

January 23, 2009

Mr. Eric Epstein
Chairman
Three Mile Island Alert, Inc.
4100 Hillsdale Road
Harrisburg, Pennsylvania 17112

Dear Mr. Epstein:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of April 11, 2007, by which you submitted a petition for rulemaking (PRM) on behalf of Three Mile Island Alert, Inc. The NRC docketed the petition on April 17, 2007, and assigned it Docket No. PRM-50-85. The petition requested that the NRC amend its emergency preparedness regulations in Title 10, Part 50, "Domestic Licensing of Production and Utilization Facilities," of the *Code of Federal Regulations* (10 CFR Part 50) to require that all host school pick-up centers be located at least 5 to 10 miles beyond the radiation plume exposure boundary zone to properly ensure that all school children are protected in the event of a radiological emergency. *(NOTE: The NRC refers to the referenced geographical area as the plume exposure pathway planning zone or the emergency planning zone (EPZ).)* The petition observed that such a criterion applies to general population relocation centers and that the lack of such a criterion for host school pick-up centers constitutes a "regulatory gap." On July 10, 2007, the NRC published a notice of receipt of PRM-50-85 in the *Federal Register* (72 FR 37470), and requested public comment. The NRC received 14 comments relating to this petition.

The Commission is denying the petition because current NRC regulations and NRC and Federal Emergency Management Agency (FEMA) regulatory guidance provide reasonable assurance of adequate protection of all members of the public, including school children, in the event of a nuclear power plant incident. The Commission finds that the petition is prescriptive in nature and that existing regulations and guidance documents already cover your request.

Inherent in your argument in support of the petition is the premise that host school pick-up centers serve the same purpose for school children as general population relocation centers do for the remainder of the population. There is a fundamental difference between the intended functions of the two. Host school pick-up centers are intended to serve as *temporary* locations where school children can be held while they wait for their parents or guardians to pick them up, whereas general population relocation centers offer longer term assistance to people displaced from their homes.

With respect to the proposal to require a specific minimum distance outside the EPZ for siting host school pick-up centers, please note that the NRC intentionally used broad language in the planning standards of 10 CFR 50.47(b) because the standards apply to applicants, licensees, State governments, and local governments. The planning standards do not contain prescriptive requirements but instead provide the organizations with the flexibility to develop plans and procedures that best fit their specific needs and the needs of the affected public that

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they are charged with protecting. Further details are given in the enclosed notice which will be published in the *Federal Register*.

Sincerely,

/RA/

Annette L. Vietti-Cook

Enclosure:
Federal Register Notice
Denying Petition