



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

December 23, 2008

SECRETARY

COMMISSION VOTING RECORD

DECISION ITEM: SECY-08-0182

TITLE: DENIAL OF A PETITION FOR RULEMAKING (PRM-50-85)
SUBMITTED BY MR. ERIC EPSTEIN ON BEHALF OF
THREE MILE ISLAND ALERT, INC.

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of December 23, 2008.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission.

A handwritten signature in cursive script, reading "Annette L. Vietti-Cook".

Annette L. Vietti-Cook
Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Klein
Commissioner Jaczko
Commissioner Lyons
Commissioner Svinicki
OGC
EDO
PDR

SECY NOTE: To be made public 5 working days after dispatch of the letter.

VOTING SUMMARY - SECY-08-0182

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. KLEIN	X					12/9/08
COMR. JACZKO	X					12/19/08
COMR. LYONS	X					12/2/08
COMR. SVINICKI	X				X	12/15/08

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the staff's recommendation and Commissioner Svinicki provided some additional comments. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on December 23, 2008.

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: CHAIRMAN KLEIN
SUBJECT: SECY-08-0182 – DENIAL OF A PETITION FOR
RULEMAKING (PRM-50-85) SUBMITTED BY MR. ERIC
EPSTEIN ON BEHALF OF THREE MILE ISLAND
ALERT, INC.

Approved Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below _____ Attached _____ None

Depe

SIGNATURE

12/9/08

DATE

Entered on "STARS" Yes No _____

NOTATION VOTE

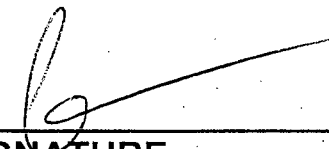
RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER JACZKO
SUBJECT: SECY-08-0182 – DENIAL OF A PETITION FOR
RULEMAKING (PRM-50-85) SUBMITTED BY MR. ERIC
EPSTEIN ON BEHALF OF THREE MILE ISLAND
ALERT, INC.

Approved X Disapproved Abstain

Not Participating

COMMENTS: Below Attached None X



SIGNATURE

12/19/08
DATE

Entered on "STARS" Yes X No

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

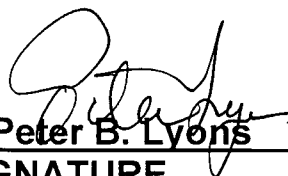
FROM: COMMISSIONER LYONS

SUBJECT: SECY-08-0182 – DENIAL OF A PETITION FOR
RULEMAKING (PRM-50-85) SUBMITTED BY MR. ERIC
EPSTEIN ON BEHALF OF THREE MILE ISLAND
ALERT, INC.

Approved X Disapproved Abstain

Not Participating

COMMENTS: Below Attached None X



Peter B. Lyons
SIGNATURE

12/21/08
DATE

Entered on "STARS" Yes X No

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER SVINICKI
SUBJECT: SECY-08-0182 – DENIAL OF A PETITION FOR
RULEMAKING (PRM-50-85) SUBMITTED BY MR. ERIC
EPSTEIN ON BEHALF OF THREE MILE ISLAND
ALERT, INC.

Approved XX Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below XX Attached ___ None ___

I approve subject to the requested clarification on page 8 of the
Federal Register notice, as attached.



SIGNATURE

12/15/08

DATE

Entered on "STARS" Yes No _____

NRC Evaluation

The petitioner asserted that "according to the NRC regulations listed in NUREG-0654r1, general population relocation centers are required to be located at least 5 miles beyond the radiation plume exposure boundary zone" and that the absence of such a requirement for host school pick-up centers constitutes a "regulatory gap." The NRC does not agree with the petitioner's statement of concern. NUREG-0654/FEMA-REP-1, Rev. 1, does not contain NRC regulations or requirements. Regulatory Guide 1.101, Revision 4, "Emergency Planning and Preparedness for Nuclear Power Reactors," issued July 2003 (ML032020276), identifies it as an acceptable method for showing compliance with the Commission's emergency preparedness regulations. The NRC uses the methods described in this guide, including NUREG-0654/FEMA-REP-1, Rev. 1, to evaluate emergency plans for nuclear power reactors. As with all NRC regulatory guidance, compliance is not required and applicants or licensees may propose alternative methods of complying with the requirements. Similarly, the NRC recognizes that FEMA may find alternatives used by State and local governments to be acceptable means for meeting the planning standards and the evaluation criteria in NUREG-0654/FEMA-REP-1, Rev 1.

*what?
(specify)*

Section II.J of NUREG-0654/FEMA-REP-1, Rev. 1, provides evaluation criteria for the planning standard in 10 CFR 50.47(b)(10), which addresses protective measures for "emergency workers and the public." Although the NRC has not defined "public," it is generally understood that it includes all segments of the population including school children. Section II.J.10 requires that an organization's plan to implement protective measures may include various capabilities and resources. Evaluation Criterion II.J.10.h in