



September 24, 2007

Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
VIA ELECTRONIC MAIL

Re: *Docket No. PRM-50-85, Petition for Rulemaking by Eric Epstein*

Dear Mme. Secretary:

Riverkeeper is hereby filing the following comments in support of the above-referenced petition for rulemaking filed by Eric Epstein of Three Mile Island Alert. The petition was submitted to the Nuclear Regulatory Commission (NRC) on April 17, 2007, and docketed by NRC on July 10, 2007 (*See* 72 FR 37470). Riverkeeper joins with the petitioner in calling on the NRC to amend its regulations regarding emergency preparedness, specifically by requiring that all host school pick-up centers be located at a minimum distance of five to ten miles beyond the radiation plume exposure boundary zone to ensure that all school children are protected in the event of a radiological emergency. In addition, Riverkeeper hereby incorporates by reference the comments submitted to the NRC on September 10, 2007 by Mary Lampert of Pilgrim Watch and eight other citizens' groups in support of the rulemaking petition.

Current regulatory requirements regarding the location of reception centers and pick-up centers for schoolchildren are inadequate because they are based on the outdated and dangerous notion that a large, potentially catastrophic radiological release could only occur as the result of a slow moving accident scenario premised on a series of operator errors, and would only involve a reactor accident. However, the 2005 National Academy of Sciences' study of spent fuel pool risks concluded that a successful terrorist attack could result in a zirconium cladding fire that, within a few hours, would spread toxic smoke containing high levels of cesium-137 for hundreds of miles, well beyond the arbitrary limits of the typical ten-mile emergency planning zone that surrounds most nuclear power plants (Safety and Security of Commercial Spent Nuclear Fuel Storage Public Report, National Academy of Sciences, April 2005).

In addition, the 2003 report by James Lee Witt & Associates on the workability of the Indian Point emergency plan found that the existing plan would not adequately protect the public in an actual emergency, particularly in the event of a fast breaking release caused by a terrorist attack. While Indian Point is located in the most densely populated metropolitan region in the United States, there are several other plants located in highly populated areas, including Three Mile Island, Oyster Creek, Millstone and Limerick, all of which face challenges regarding the ability of the population living within the 10-mile EPZ to be evacuated in the event of an emergency.

Children are the most vulnerable members of society, and should be accorded the most rigorous protections possible when planning for a radiological emergency. The NRC should require that

host Schools, as well as well Reception Centers, are located well outside the expected plume exposure pathway where exposure is expected to be harmful, at least five to ten miles from the reactor. The purpose of a relocation center is to provide a “safe haven;” and this means that they must be located outside the likely-to-be impacted geographic area where harmful levels of exposure can reasonably be expected to occur as a result of an accident requiring protective actions. Studies show that harmful exposures from an accident requiring evacuation are likely to be in areas beyond 10-miles. Further we know from the National Academies of Sciences BEIR VII that radiation is harmful at lower doses than NRC currently assumes in its consequence models; therefore the determination of what is a “safe” distance must be redefined and then extended.

The scientific understanding of the risks posed by nuclear power plants to populations living in their vicinity has changed since the NRC promulgated its emergency preparedness regulations following the Three Mile Island Accident. The attacks of September 11 and the federal government’s failure to build a permanent waste repository require a complete reanalysis of these risks, with the understanding that existing nuclear power plants often operate in densely populated areas, under increased risk of sabotage, and with thousands of tons of nuclear waste onsite that could contribute to a significantly worse radiological release than was originally predicted. Continuing to locate reception centers for schoolchildren at the outer edge of an arbitrarily determined EPZ simply does not make sense, and must be changed.

Sincerely,

A handwritten signature in black ink, appearing to read 'LR', followed by a period.

Dr. Lisa Rainwater
Policy Director