

## **Pre-School Emergency Planning at Three Mile Island: Chronology of Legal History**

• **March 28, 1979, 4:00 a.m.** - Beginning of Three Mile Island (TMI) Unit-2 core melt.

• **March 30, 1979** - Governor Richard Thornburgh recommended an evacuation for preschool children and pregnant women living within five miles of the plant. Schools in the area closed. Out of a target population of 5,000, over 140,000 Central Pennsylvanians fled the area.

• **December 1979** - Due to the meltdown at Three Mile Island Unit-2, President Carter issued Executive Order 112148. The Order directed the Federal Emergency Management Agency (FEMA) and the NRC to implement Radiological Emergency Response Plans for all populations living around nuclear power plants.

• **August, 1980** - Funding and financial responsibility for providing offsite planning is listed in the Federal Register/Vol. 45, No. 162 /Tuesday, August 19, 1980 /Rules & Regulations. (1)

---

1 IX. FUNDING: In view of the requirements in these rule changes regarding the actions to be taken in the event State and local government planning and preparedness are or become inadequate, a utility may have an incentive, based on its own self interest as well as its responsibility to provide power, to assist in providing manpower, items of equipment, or other resources that the State and local governments may need but are themselves unable to provide. The Commission believes that the view of the President's Statements of December 7, 1979, giving FEMA the lead role in planning and preparedness, the question of whether the NRC should or could require a utility to contribute to the expenses incurred by State and local governments in upgrading and maintaining their emergency planning and preparedness (and if it is to be required, the mechanics for doing so) is beyond the scope of the present rule change. It should be noted, however that any direct funding of State or local governments solely for emergency preparedness purposes by the Federal government would come through FEMA.

• **February 29, 1984** - A plea bargain between the Department of Justice and Met Ed settled the Unit 2 leak rate falsification case. Met Ed plead guilty to one count, and no contest to six counts of an 11 count indictment. The Company also agreed to pay a \$45,000 fine, and establish a \$1 million dollar interest-bearing account to be used by the Pennsylvania Emergency Management Agency.

- **November 3, 1986** - Federal regulation put in place, Guidance Memorandum EV-2 “Protective Actions for School Children” (**GM EV-2**), that **requires appropriate state and local government agencies to provide all licensed childcare facilities residing in Emergency Planning Zones (EPZ)** with pre planned radiological emergency services including, but not limited to notification, transportation, and relocation centers.

- **March 31, 1987 - Peach Bottom was indefinitely shutdown.** Operators were found sleeping on the job, playing video games, engaging in rubber band and paper ball fights, and reading unauthorized material.

- **February 7, 1993** - An **intruder drove past TMI’s guarded entrance** gate, crashed through a protected area fence, crashed through the turbine building roll-up door, and hid in a darkened basement of the plant for almost four hours before being apprehended by guards.

- **July 17, 1998** - AmerGen Energy (British Energy and Exelon) announced that it reached an Agreement with GPU to purchase TMI-1 for \$100 million.

- **December 20, 1999** - TMI-’s **license was transferred** from GPU Nuclear to AmerGen. The NRC **did not evaluate special needs’ emergency preparedness** as a condition for the license transfer.

- **September 11, 2001** – Larry Christian, an area resident, picked up his daughter at nursery school located near Three Mile Island due to terrorist attacks in Pennsylvania, Washington D.C., and New York.

- **October 2001-August 2002** - Mr. Christian inquired about his daughter’s nursery school’s radiological evacuation planning procedures and learned that they had none. Mr. Christian contacted numerous officials at the NRC, FEMA, and PEMA (as well as many other state and local emergency management officials) to find out what radiological evacuation planning requirements existed for preschool children. Mr. Christian learned there were **no requirements for preschool children** to have Radiological Emergency Response Plans after receiving the enclosed correspondence from Kay Carman, York County’s Director of Emergency Management:

>From: "Carman, Kay" <KACarman@YCEX01.york-county.org>  
>To: "'ldc@pa.net'" <ldc@pa.net>  
>Subject: Day Care Centers  
>Date: Fri, Aug 16, 2002, 9:43 AM  
>  
> Dear Mr. Christian, I do apologize for not responding as quickly as I had  
> promised. I have researched your concerns and will attempt to answer them.  
>  
> Our office has been in contact with the Department of Public Welfare. This  
> agency either licenses or regulates day care centers within the  
> Commonwealth. In conversation with the DPW, the question was asked if day  
> care centers were required to have comprehensive plans for all emergencies  
> along with evacuation procedures and the answer was no, they did not. The  
> centers were to have a procedure in case of fire only.. The only way that  
> the DPW could mandate day care centers to have plans would be through  
> legislation, which is not in place at this time.  
>  
> The role of the County is one of support to the municipality. Therefore we  
> have been in touch with the municipalities you mentioned in your  
> correspondence and will support their efforts to have the day care centers  
> develop plans for all types of hazards. Of course we are not able to mandate  
> that the day care centers comply. Hopefully, as the centers see the need  
> for comprehensive planning with the assistance of the municipalities, we  
> will be able to get "all" day care centers through out the County to have  
> comprehensive plans and not just those centers that are within 10 miles of  
> nuclear power plants.  
  
> Should you require further information, please do not hesitate to contact  
> me.  
  
> Sincerely,  
> Kay Carman  
  
> <<KACarman@york-county.org (E-mail).vcf>>

• **November, 2001** - TMI-2 Possession Operating Licensee was formally transferred from GPU Nuclear to FirstEnergy. The NRC ***did not evaluate special needs' emergency preparedness as a condition of the license transfer.***

- **August 2002** - Christian, together with Eric Epstein, Chairman of the local community based organization, TMI-Alert, Inc., researched and drafted a Petition for rule making changes to the U.S. Nuclear Regulatory Commission to include preschool children in the federally required Radiological Emergency Response Plans. Mr. Christian and TMI-Alert gathered over 1,200 signatures in support of the Petition, including Pennsylvania House Representative Bruce Smith (R-York County) on September 16, 2002. Additional support would be registered by Pennsylvania Attorney General Mike Fisher (R) on May 22, 2003, and Harrisburg Mayor Steven Reed (D) on August 7, 2003.

- **September 4, 2002** - Mr. Christian and Eric Epstein submitted Petition PRM 50-79 (**Exhibit 2**) with 1,200 supporting signatures to the U.S. Nuclear Regulatory Commission. The Petition sought changes to include preschool children in the federally required Radiological Emergency Response Plans. The Petition was published in the Federal Registry under Docket No. PRM 50-79.

- **January 10, 2003** - PEMA Director Carl C. Kuehn submitted a letter to the NRC which **recommended denial** of the Petition and stated, "As the rules exist now, any nursery or day-care center may opt to participate in Radiological Emergency Preparedness program on a voluntary basis. This is sufficient."

- **May 19, 2003** - Information and requests were sent to newly elected Governor Rendell (D) asking for immediate measures to provide Radiological Emergency Response Planning for preschool children. In response PEMA Director, David Sanko sent Mr. Christian a letter stating that PEMA was **recommending denial** of the Petition saying it was "another highly prescriptive federal regulation."

- **May 22, 2003** - Letter from Attorney General Mike Fisher (**Exhibit 8**) to Governor Rendell which states, "The **lack of pre-planning and inclusion of daycare centers and nursery schools in the evacuation efforts**, in the event of an emergency incident at a nuclear power facility, would result in onsite confusion regarding the safety of the children entrusted to these facilities" (**Bold face type added.**)

- **August 10, 2003** - *The Patriot News* ran the first of many articles on this topic entitled, "Evacuation plans sought for preschools – Facilities near nuke plants aren't required to have policies". PEMA Director David Sanko stated "We just don't think that the NRC ... or state government should be establishing rules that usurp a parent's right."

- **September 2003 to Spring 2004** - Public pressure is generated as a result of publicity. Mr. Epstein and Mr. Christian met with representatives from the Governor's Office. The **Governor reverses PEMA position** as defined under Governor Schweiker. Governor Rendell's Office retracts letter to the NRC recommending denial of the Petition and announces release of Title 55 requirements for preschool facilities to have emergency response plans. Title 55 **required the day-care centers and nursery schools**, not the state and local government agencies, to be responsible for all preschoolers' radiological emergency response plans. Title 55 is **not in compliance with federal regulations 10 CFR 50.47; 10 CFR 50.54; 10 CFR Part 50 Appendix E and 44 CFR 350** because it requires day-care centers and nursery schools, not the state and local government agencies, to be responsible for all preschoolers' radiological emergency preparedness planning.

- **December 22, 2003** - British Energy completed the sale of its 50% AmerGen interest to Exelon Generation shortly after receiving shareholder approval. Exelon was British Energy's partner in the AmerGen joint venture that bought three U.S. nuclear plants--Clinton, Oyster Creek and Three Mile Island-1 (*Platts Nuclear News*). The NRC **did not evaluate special needs' emergency preparedness as a condition of the license transfers**.

- **May 2004** - Preliminary review by Federal Emergency Management Agency Director, Craig Conklin, results in a recommendation of denial of Petition PRM 50-79 on the grounds that the requests are covered under current regulations GM EV-2.

Due to Mr. Conklin's comments, Mr. Christian and Mr. Epstein reviewed laws regarding special populations' Radiological Emergency Response Planning requirements, i.e., GM EV-2 under federal law 10 CFR 50.47; and 10 CFR 50.54; and 10 CFR Part 50 Appendix E; and 44 CFR 350 already require the Petition's requests and have so since 1986.

- **June 18, 2004** - Epstein and Christian meet with Governor Rendell's Special Assistant, Adrian King, Jr. Esquire, to inform the Administration that Pennsylvania is currently in violation of these federal laws. The Governor's Counsel agrees to a review of Mr. Christian and Mr. Epstein's findings of law.

- **June 24, 2004** - Governor Rendell's Statement of Policy Title 55 issued through the Department of Public Welfare takes affect, and **does not differentiate between public, private and religious facilities as Senate Bill 922** did (See July 12, 2004).

- **July 12, 2004** - Legislation that Governor Ed Rendell allowed to pass into law (without his signature) required **only for-profit** centers to develop evacuation plans to be used in an emergency, such as a nuclear disaster or a terrorist attack. The letter (**Exhibit 9**) from Governor Rendell to the Senate of the Commonwealth of Pennsylvania stated:

Nine months after I took office, I learned the state did not require emergency planning as a routine aspect of childcare licensure...Given that the legislation was passed speaks to the need for emergency preparedness plans for only a segment of providers, and that it does not exempt the balance of providers from preparing such plans, I believe our legal authority to require these plans is maintained through regulation.

- **July 30, 2004** - In response to the meeting with Mr. King, Epstein and Christian receive a letter from PEMA Director David Sanko (**Exhibit 6**) stating they consider the planning requirements for the preschool children to be the responsibility of the child care facility and parents.

Child care facilities are, for the most part, private business entities who, in conjunction with the parents, should assume responsibility for the safety of their charges. Local government will not treat these businesses any differently than it does any other citizen. Especially in rural areas, municipal government simply may not have the resources to provide shelter.

***Mr. Sanko's letter should have prompted the NRC to start the 120 day clock at Three Mile Island.***

- **August 2004** - Christian and Epstein, after numerous failed attempts to work with Governor Rendell's Special Assistant, draft letters to the NRC and Pennsylvania officials informing them that **Pennsylvania is in violation of federal law**. The Commonwealth was also informed that **nursing homes, group homes for the physically and mentally challenged and correctional facilities** are to be included in the Response Plans.

- **September 2004** - Epstein and Christian submit their concerns to the NRC and FEMA. **Congressman Todd Platts' requests a congressional investigation.**

Further evidence can be provided by Congressman Todd Platt's Office which has received many "Request for Assistance with Radiological Emergency Planning" sheets from numerous childcare facilities representing thousands of Pennsylvania preschool children. These Requests provide **evidence** that most child care facilities in the TMI-area are currently without radiological emergency planning. (2)

• **December 15, 2004:** The Trust for America's Health, a nonprofit organization headed by former Senator Lowell P. Weicker, Jr. concluded that most states, including Pennsylvania did not have basic bio-terrorism measures in place. "More than three years after 9-11 and the anthrax tragedies, we've only made baby steps toward better bio-terrorism preparedness, rather than giant leaps required to adequately protect the American people" (www.tfah.org) The Pennsylvania Department of Health did not dispute the Report's findings (Also refer to related development on August 25, 2006.)

• **March 2005:** The EFMR Monitoring Group, Inc. released the results of a survey of 74 for-profit and not-for-profit day-cares sites located within ten miles of Three Mile Island. (3) Several disturbing trends surfaced as a result of the Survey:

- *The state does not review plans or coordinate transportation.*
- *Few state and local entities provide for or coordinate transportation.*
- *In some instances, transportation for children is only available after other populations have been moved.*
- *Many facilities assume they can evacuate to the same locations as public schools and presume those schools will provide transportation.*
- *Many facilities depend on the phone book for planning.*
- *Frequent expressions of exasperation and frustration included: "Who do we contact?," "Where do we go?," and "How do we get there?"*
- *Several facilities were unaware that they were within the ten mile zone.*
- *Numerous sites were confused by the separate regulations promulgated in 2003 requiring all facilities to have an emergency plan in place by July 1, 2004. Senate Bill 922 passed in July 2004 exempting non profits from compliance.*

---

2 For more information contact Joe Thomas (202) 225-5836 at Congressman Todd Platt's Office.

3 The sites were based on the Pennsylvania Department of Public Welfare's (DPW) data base.

• **August 4, 2005** - FEMA's report on the Three Mile Island Radiological Emergency Preparedness Drill Report which **shows no centers were required to participate and/or demonstrate compliance with the above sited regulations.** (See President Bush disaster relief authorization of June 30, 2006 for proof of evidence).

• **August 29, 2005** - Hurricane Katrina, a Category 4 storm , makes landfall near Buras, Louisiana, at 6:10 a.m. CT (7:10 a.m. ET). President Bush makes emergency disaster declarations for Louisiana and Mississippi.

• **September 29, 2005** - Nuclear Regulatory Commission (NRC) Senior Nuclear Engineer Michael Jamgochian's Differing Professional Opinion (DPO), concluded that the criteria in Federal Emergency Management Agency's GM EV-2 "must be codified into the NRC's emergency planning regulations in order to permit the NRC to make a finding that there is reasonable assurance that protective measures can and will be taken." (p. 1, Block #10) (**Exhibit 1**).

Mr. Jamgochian's DPO indicates that "the consequences of not codifying the state and local government's specific responsibilities for day-care and nursery school children is that these children in **Pennsylvania will not have pre planned evacuation capabilities in the event of an emergency.** Therefore, the **NRC would not be able to find that there is a reasonable assurance that protective measures can and will be taken in the event of an emergency.**" (p. 2, Block #11.) (**Boldface type added.**)

Mr. Jamgochian sites relevant NRC regulations, and lists direct evidence sent to the NRC that led him to these conclusions.

• **October 19, 2005** - Mr. Epstein's submitted a Petition for Rulemaking - "Codify GM EV-2 Into the NRC's Emergency Planning Regulations," and stated: (See March 15, 2006 for action taken due tot he NRC's failure to act on the Petition.)

"Based on the conclusions and evidence sited in Mr. Jamgochian's DPO, I submit this new petition for rule making which seeks to codify FEMA's 1986 Guidance Memorandum EV-2 "Protective Actions for School Children" into NRC's emergency planning regulations."

• **November 18, 2005** - Epstein filed a 2.206 Petition with Luis Reyes, NRC, Executive Director for Operations, and William Kane, NRC, Deputy Executive Director for Reactor Preparedness. Specifically, the Petition requested that the Nuclear Regulatory Commission,

issue a demand for information (DFI) to Amergen, the licensee for Three Mile Island Nuclear Station (TMI), Unit 1, and Exelon Generating Company (Exelon), the licensee for Peach Bottom Atomic Power Station (Peach Bottom), Units 2 and 3. You requested that the licensees be required to provide the NRC with information that establishes that they are in compliance with NRC regulations related to emergency planning and specifically the ability to implement protective measures for childcare facilities within the Emergency Planning Zones (EPZs) established around the TMI and Peach Bottom facilities. In addition, the petition requested that the NRC defer approving transfers of the licenses for the TMI and Peach Bottom facilities until the issues raised in the petition are resolved.

- **December 21, 2005** - The NRC convened a teleconference with **DHS, FEMA**, NRC national, regional and station representatives, Exelon and AmerGen, the Petition Review Board (PRB) and Eric Epstein to discuss if the 2.206 Petition filed on November 18, 2005 meets the criteria for consideration under 10 CFR 2.206.

- **December 21, 2005**: Mr. Christian and Mr. Epstein file a Formal Allegation with the U.S. Nuclear Regulatory Commission. The Allegation contends that the licensees operating “in the Commonwealth of Pennsylvania are in violation of federal regulations (10 CFR 50.47; 10 CFR 50.54; 10 CFR Part 50 Appendix E; 44 CFR 350) because Pennsylvania has improperly planned for and/or left out special populations (day-care centers and nursery schools) from their Radiological Emergency Response Planning (RERP) Requirements.”

- **January 20, 2006** - Mr. Christian and Mr. Epstein meet with **Governor Rendell**, and representatives from the Departments of DHS, PEMA, Education and Welfare. Mr. Epstein and Mr. Christian presented the Governor with a summary and a formal request:

It's the state and local governments' responsibility to provide radiological emergency support services to all day care centers and nursery schools who have more than 10 children and are located within 10-mile Emergency Planning Zones.

The Commonwealth continues to place preschoolers at risk of a major catastrophe by refusing to provide these emergency services; and in doing so is in violation of NRC licensing regulations as established by Presidential Executive Order 12148.

We seek a commitment and tangible proof from your office that the Commonwealth will fix these violations immediately.

The Governor committed to work with Mr. Christian and Mr. Epstein, failed to follow-up, but his data request for additional information was addressed by Mr. Epstein on January 23, 2006. Mr. Epstein also responded to Mr. Rendell's Deputy Chief of Staff, Arthur Stephen's request, for a settlement proposal. Mr. Epstein is still awaiting a response to his March 15, 2006 proposal.

- **March 10, 2006** - The NRC denied Mr. Epstein's 2.206 Petition and Demand for Information filed on November 18, 2005.

...As stated in your petition, the NRC can, under certain circumstances, order licensees to take action, including ceasing operations, if it is determined that the emergency preparedness of offsite response organizations does not provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency. **DHS has not withdrawn its approval of the subject offsite plans and the NRC has not invoked the provisions of 10 CFR 50.54(s). This is not an issue of the licensee's compliance with NRC regulations, but whether offsite response organizations are maintaining a state of emergency preparedness that provides a reasonable assurance that protective measures can and will be taken in the event of a radiological emergency...The questions about the evacuation of child care facilities are currently being considered by the NRC, DHS, and the appropriate offsite response organizations as a result of your inquiries, other activities within Pennsylvania (e.g., legislation related to licensing childcare facilities), the Commission's directions to the NRC staff associated with the denial of the petition for rule making, and the DPO filed by a member of the NRC staff. (4) (Bold face type added)**

- **March 15, 2006** - Mr. Epstein had to re submit the Petition for Rulemaking - Codify GM EV-2 Into the NRC's Emergency Planning Regulations initially filed on October 19, 2005. I am refiling the Petition almost **six months after** the initial filing was submitted for Rulemaking.

---

4 Christopher I. Grimes, Director Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation

The NRC has actively engaged in a coordinated effort to ignore this Petition. This systematic effort to loose a Petition for Rulemaking violates the Agency's statutory requirements under the Atomic Energy Act of 1954 which requires and encourages public participation in the oversight and rule making process. Moreover, explicit instructions for public participation are clearly enumerated under "Atomic Energy", *Federal Procedural Forms*, Sections §6:1 to §6:156.

The NRC reported, "**It [the Petition] has fallen into a black hole...**(January 24, 2006)..." Two days later, "**It's lost in the system kind of an answer...**Um, but its, but I shouldn't have overstated that **it fell through the cracks**. It hasn't done that. But they're kind of struggling to find where it fits into the process, um. We'll be getting back to you in a short time (January 25, 2006). (Telephone transcripts and conversations with Mr. William D. Reckley and Michael T. Leaser, U.S. NRC.)

- **April 3, 2006** - The NRC rejected Allegation filed by Christian and Epstein NSIR-2005-A-0011, **but fails to provide evidence** to support denial.

- **April 11, 2006** - Epstein and Christian disputed NRC's April 3, 2006 letter of rejection to Allegation NSIR-2005-A-0011.

In our allegation we provided creditable evidence that preschool children located near Pennsylvania's nuclear power facilities were not being provided emergency provisions to assure their safety in the event of a radiological emergency. Your response failed to provide any evidence that preschool children are planned for in the event of a nuclear emergency; and was in complete contrast to the NRC's reasons published for denying petition (PRM 50-79) to codify new emergency planning requirements for preschool children.

- **May-June 2006** - The Commission directed the NRC staff to consider Mr. Epstein's contentions and supplemental filing dated October 7, 2005, as if they were "written comments" under 10 CFR 2.1305. The written comments have been considered by the NRC staff in connection with the issuance of this Order. (5)

---

<sup>5</sup> Under 10 CFR 50.80 and 10 CFR 72.50, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing

• **June 5, 2006** - The NRC approves the License Transfers at Peach Bottom despite overwhelming evidence and testimony presented that the plant is in violation of its current operating licenses. (6)

• **June 21, 2006**- Pursuant to FEMA Rule 44 of the Code of Federal Regulations Part 350 Review, Eric Joseph Epstein Delivered A Formal Advisory Notification Demonstrating that the Commonwealth of Pennsylvania's Emergency Preparedness Plans for Special Populations at the Three Mile Island Nuclear Generating Station and the Peach Bottom Atomic Power Station are “fatally flawed” and “no longer adequate to protect public health and safety by providing reasonable assurance...”

The Federal Emergency Management Agency is charged with the oversight of offsite emergency planning around nuclear plants. These violations necessitate that the Agency instantly activate FEMA Rule 44 of the Code of Federal Regulations Part 350.13. The Notification requested that FEMA must Order the Nuclear Regulatory Commission (NRC) to take the required enforcement actions in accordance with 10 CFR 50.54(s)(2)(ii) to insure that protective provisions are in place for day-care centers and nursery schools located within ten (10) miles of the Three Mile Island Nuclear Generating Station and the Peach Bottom Atomic Power Station. (7)

• **June 30, 2006** - The DHS-FEMA required the Commonwealth of Pennsylvania to **submit evidence** as a condition for disaster relief as a result of widespread flooding. President Bush authorized assistance after the federal government reviewed the evidence “for the Commonwealth of Pennsylvania due to damage resulting from severe storms, flooding, and mudslides beginning on June 23, 2006, and continuing.”

6 NRC: Peach Bottom Docket, FR Doc E6-8649[Federal Register: June 5, 2006 (Volume 71, Number 107)] [Notices] [Page 32375-32376] From the Federal Register Online via GPO Access [wais.access.gpo.gov] [DOCID:fr05jn06-80] No. 50-354, License No. NPF-57; Docket Nos. 50-272 and 50-311, License Nos. DPR-70 and DPR-75.]

7 Mr. Epstein requested relief within 15 days of notification. **Over 60 days have passed** without a response from FEMA-DHS, despite guidance outlined in CFR 44: Emergency Management and Assistance” (Revised as of October 1, 2005.) “ §4.10 (c) For purposes of computing the waiting period under paragraph (b) (1) of this section, a single point of contacts presumed to have received written notification 5 days after the date of mailing such notification.”

8 Please refer to FEMA’s report on the Three Mile Island Radiological Emergency Preparedness Drill Report of August 4, 2005 a **document that requires “no evidence” to support a false finding.**)

• **July 5, 2006** - M. T. Lesar, NRC, Chief Rules and Directives Branch, e-mailed Mr. Epstein and stated, "The staff is continuing its examination of the issues raised by your petition. Staff recommendations will probably be presented to the Commission for approval." The Petition, originally filed on **October 19, 2005**, sat in a drawer, and was refiled on **March 15, 2006**.

**August 28, 2006**

**BEFORE THE  
UNITED STATES OF AMERICA  
DEPARTMENT OF JUSTICE  
ENVIRONMENTAL ENFORCEMENT SECTION**

**ERIC JOSEPH EPSTEIN, *Pro se***

**v.**

**UNITED STATES OF AMERICA,  
NUCLEAR REGULATORY COMMISSION;**

**&**

**UNITED STATES OF AMERICA,  
DEPARTMENT OF HOMELAND SECURITY -  
FEDERAL EMERGENCY MANAGEMENT AGENCY;**

**&**

**COMMONWEALTH OF PENNSYLVANIA,  
GOVERNOR EDWARD G. RENDELL,  
PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY**

**In the matter of  
THREE MILE ISLAND UNIT-1**

**&**

**PEACH BOTTOM ATOMIC POWER STATION 2 & 3**

**Re: SPECIAL NEEDS EMERGENCY PLANNING AS A CONDITION  
FOR AN OPERATING LICENSE**

• **On April 11, 2007**, Three Mile Island Alert, Inc. filed a Petition for Rulemaking with the U.S. Nuclear Regulatory Commission (NRC) **to extend ALL host school pick-up centers at least five miles and preferably 10 miles beyond the plume exposure boundary zone.** Host-schools are the destination points that children are transported to for “safe keeping” until their parents, guardians or primary caregivers arrive.

Eric Epstein, TMI-Alert's chairman said, "The current requirements allow host school pick-up centers to be just outside of the 10 mile radiation plume exposure boundary zone, and fail to meet the safety needs of school children."

Epstein stated, "Harm's way does not end at an imaginary ten mile line. Investing in the theory that an invisible lead curtain will protect our children is not reality. Host school pick-up centers need to be located at safe distances well beyond the plume exposure boundary line to insure the health and well-being of all school children in the event of a radiological emergency."

Epstein added, "There is no valid public objective or moral imperative that would keep children within a zone of exposure during a radiological emergency."

TMIA's solution to the problem of proximity is for host school pick-up centers to be located a minimum distances of at least five miles and preferably 10 miles beyond the plume exposure boundary zone.

Epstein also noted, "These outdated and inadequate requirements also do not take into account a possible 9/11 style terrorist attack, which due to lack of advance warning, would severely truncate the timeframes evacuation plans utilize making the host school pick-up center distance from the plume exposure boundary line an extremely important health factor."