

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 50

[Docket No. PRM-50-85]

#### Eric Epstein, Three Mile Island Alert, Inc.; Receipt of Petition for Rulemaking

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Petition for rulemaking; notice of receipt.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is publishing for public comment a notice of receipt of a petition for rulemaking, dated April 11, 2007, which was filed with the Commission by Eric Epstein. The petition was docketed by the NRC on April 17, 2007, and has been assigned Docket No. PRM-50-85. The petitioner requests that the NRC amend its regulations regarding emergency preparedness to require that all host school pick-up centers be 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.

**DATES:** Submit comments by September 24, 2007. Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.

**ADDRESSES:** You may submit comments by any one of the following methods. Please include PRM-50-85 in the subject line of your comments. Comments on petitions submitted in writing or in electronic form will be made available for public inspection. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed.

Mail comments to: Secretary, U.S. Nuclear Regulatory Commission,

Washington, DC 20555-0001, ATTN: Rulemakings and Adjudications Staff.

E-mail comments to: [SECY@nrc.gov](mailto:SECY@nrc.gov). If you do not receive a reply e-mail confirming that we have received your comments, contact us directly at (301) 415-1966. You may also submit comments via the NRC's rulemaking Web site at <http://ruleforum.llnl.gov>. Address questions about our rulemaking Web site to Carol Gallagher (301) 415-5905; e-mail [cag@nrc.gov](mailto:cag@nrc.gov). Comments can also be submitted via the Federal eRulemaking Portal <http://www.regulations.gov>.

Hand deliver comments to: 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. Federal workdays (telephone (301) 415-1966).

Fax comments to: Secretary, U.S. Nuclear Regulatory Commission at (301) 415-1101.

Publicly available documents related to this petition may be viewed electronically on the public computers located at the NRC's Public Document Room (PDR), Room O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland. The PDR reproduction contractor will copy documents for a fee. Selected documents, including comments, may be viewed and downloaded electronically via the NRC rulemaking Web site at <http://ruleforum.llnl.gov>.

Publicly available documents created or received at the NRC after November 1, 1999, are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, the public can gain entry into the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the PDR Reference staff at 1-800-397-4209, 301-415-4737 or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

**FOR FURTHER INFORMATION CONTACT:** Michael T. Lesar, Chief, Rulemaking, Directives and Editing Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Telephone: 301-415-7163 or Toll Free: 800-368-5642.

#### SUPPLEMENTARY INFORMATION:

#### The Petitioner

The petitioner is Eric Epstein, Chairman of Three Mile Island Alert, Inc. The petitioner states that Three Mile Island Alert, Inc., was founded in 1977 and is a safe-energy organization based in Harrisburg, Pennsylvania. Three Mile Island Alert, Inc., monitors Peach Bottom, Susquehanna, and Three Mile Island nuclear generating stations.

#### The Proposed Amendments

The petitioner believes that current NRC, Department of Homeland Security (DHS), and Federal Emergency Management Agency (FEMA) emergency planning requirements fail to meet the safety needs of all school children. Further, the petitioner believes that the current planning requirements of these agencies do not establish a reasonable standard for offsite relocation distances that adequately protects the public's health and safety.

The petitioner seeks to clarify NRC, DHS, and FEMA relocation requirements and requests that NRC promulgate and codify relevant regulations pertaining to radiological emergency readiness planning. The petitioner requests that NRC mandate that all host school pick-up centers be at a minimum distance of five to ten miles beyond the radiation plume exposure boundary zone, and has attached several exhibits to the petition to support this proposal. The support material includes information from the West Shore School District; maps and news articles; data from NRC's NUREG-0654, FEMA-REP-1; and other statements and exhibits.

#### Conclusion

The petitioner states that there is a regulatory gap, and an absence of minimum distance requirements, for host school pick-up centers in relation to radiation plume exposure boundary lines. The petitioner believes that allowing host school pick-up centers to be just outside of the 10-mile radiation plume exposure boundary zone fails to meet the safety needs of school children. The petitioner also believes that the proposed change in current regulations is necessary in order to ensure that all school children are properly protected in the event of a radiological emergency. Accordingly, the petitioner requests that the NRC amend its regulations related to

emergency preparedness as described previously in the section titled, "The Proposed Amendments."

Dated at Rockville, Maryland, this 3rd day of July, 2007.

For the Nuclear Regulatory Commission.

**Annette Vietti-Cook,**

*Secretary of the Commission.*

[FR Doc. E7-13316 Filed 7-9-07; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 71

#### Regulations for the Safe Transport of Radioactive Material; Solicitation of Issue Proposals

**AGENCY:** U.S. Nuclear Regulatory Commission.

**ACTION:** Solicitation of Proposed Issues or Identified Problems with the International Atomic Energy Agency Regulations.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) and the U.S. Department of Transportation (DOT) are jointly seeking proposed issues or identified problems with the International Atomic Energy Agency (IAEA) Regulations for the Safe Transport of Radioactive Material (referred to as TS-R-1). Proposed issues or identified problems that are submitted by the United States and other IAEA member states and International Organizations might necessitate subsequent domestic compatibility rulemakings by both NRC and DOT.

**DATES:** Proposed issues or identified problems will be accepted until August 15, 2007. Proposals received after this date will be considered if it is practical to do so, however we are only able to assure consideration for proposals received on or before this date.

**ADDRESSES:** Comments may be submitted either electronically or via U.S. mail.

Mail proposed issues or identified problems to Michael T. Lesar, Chief, Rulemaking, Directives and Editing Branch, Mail Stop T6-D59, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Deliver proposals to 11555 Rockville Pike, Rockville, Maryland, 20852, between 7:45 a.m. and 4:15 p.m. on Federal workdays. Submit proposals by electronic mail to: [nrcprep@nrc.gov](mailto:nrcprep@nrc.gov).

Copies of proposal documents received may be reviewed at the NRC's Public Document Room, One White Flint North, Public File Area 01-F21,

11555 Rockville Pike (First Floor), Rockville, Maryland.

#### FOR FURTHER INFORMATION CONTACT:

Michele M. Sampson, Office of Nuclear Material Safety and Safeguards, USNRC, Washington, DC 20555-0001, telephone: (301) 492-3292; e-mail: [mxs14@nrc.gov](mailto:mxs14@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The IAEA periodically revises its Regulations for the Safe Transport of Radioactive Material (TS-R-1) to reflect new information and accumulated experience. The DOT is the U.S. competent authority before the IAEA for radioactive material transportation matters. The NRC provides technical support to the DOT in this regard, particularly with regard to Type B and fissile transportation packages.

The IAEA recently initiated the review cycle for a potential 2011 edition of TS-R-1. The IAEA's review process calls for Member States and International Organizations to provide proposals for review of issues or identified problems with the regulations to the IAEA by August 31, 2007. To assure opportunity for public involvement in the international regulatory development process, the DOT and the NRC are soliciting proposals for issues or identified problems with the IAEA international transportation standard, TS-R-1, at this time.

A specific area of interest are proposals related to the IAEA package surface contamination limits in TS-R-1. In 2000, an IAEA Coordinated Research Project (CRP) to review contamination control methods and develop a non-fixed contamination dose model for packages was initiated. The results of the CRP were published as IAEA-TECDOC-1449, *Radiological aspects of non-fixed contamination of packages and conveyances*, June 2005 (available at [www.iaea.org](http://www.iaea.org)). The CRP concluded that the current limits for non-fixed contamination on packages were developed using very conservative assumptions. Potential alternative methods of specifying contamination limits could include a radionuclide specific approach. We are seeking input regarding the usefulness, feasibility or practicality of implementing dose-based package surface contamination limits, and the issues or identified problems pertinent to incorporation of new non-fixed contamination limits into TS-R-1.

The focus of this solicitation is to identify issues or problems with the current 2005 edition of TS-R-1. While it is helpful to identify potential changes or solutions to resolve the

identified issues or problems, it is not required to provide a proposed change to accompany each identified issue or problem. This information will assist the DOT and the NRC in having a full range of views as the agencies develop the proposed issues the U.S. will submit to the IAEA.

##### II. Public Participation

Proposed issues or identified problems should cite the publication date and page number of this **Federal Register** document. Proposals must be submitted in writing (electronic file on disk in WordPerfect format preferred) and should include:

- Name;
  - Address;
  - Telephone No.;
  - E-mail address;
  - Principal objective of issue or identified problem (e.g., Required to provide adequate protection to health and safety of public and occupational workers, needed to define or redefine level of protection to health and safety of public and occupational workers, required for consistency within the Transport Regulations, required as a result of advances in technology, needed to improve implementation of the Transport Regulations);
  - Topic of issue or identified problem—Describe or frame the issue or the identified problem by reference to or using the table of contents of TS-R-1 (2005 Edition) and the Advisory Material for the IAEA Regulations for the Safe Transport of Radioactive Material (TS-G-1.1 (ST-2));
  - Justification for proposed change—Provide a clear statement of the main objectives of the proposed change and the solution "path" (e.g., change to regulations, additional guidance, a research project);
  - An assessment of the benefits and impacts of the proposed change—Including changes in public and occupational exposure, changes in accident risk, and effects on health, safety or the natural environment. The affected parties should be identified.
  - Paragraphs affected and proposed text change to regulatory text in TS-R-1;
  - Paragraphs affected and proposed text change to IAEA advisory material in TS-G-1.1;
  - A listing of any applicable reference documents;
  - Description of issue or identified problem to be addressed;
  - Summary of proposed solution to the issue or identified problem; and
  - Expected cost of implementation (negligible, low, medium or high).
- The DOT and the NRC will review the proposed issues, identified problems,