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Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
Attention: Rulemakings and Adjudications Staff

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Re: Comments on a petition for rulemaking

On November 1, 2002 (67 FR 66588), the Nuclear Regulatory Commission (NRC) published for public comment a notice of receipt of a petition for rulemaking, dated September 4, 2003, which was filed by Lawrence T. Christian, et al. The petitioners are requesting that the NRC amend its regulations to include fourteen (14) separate new requirements that concern children attending daycare centers and nursery schools within evacuation zones.

Comments from the Charter County of Wayne, Michigan on each of the fourteen proposed new requirements are as follows:

Comment to proposed requirement #1 (*insure that all children attending daycare centers and nursery schools within the evacuation zone are assigned to designated relocation centers established safely outside the evacuation zone*): **This proposed requirement should not be imposed on government agencies. Responsible parents and guardians should assure that the daycare center or nursery school of their choice has developed and tested an all-hazard emergency plan that designates evacuation relocation centers.**

Comment to proposed requirement #2 (*insure that all children attending daycare centers and nursery schools within the evacuation zone are provided with designated transportation to relocation centers in the event of an emergency evacuation*): **This proposed requirement should not be imposed on government agencies. Responsible parents and guardians should assure that the daycare center or nursery school of their choice has developed and tested an all-hazard emergency plan that includes transportation resources to be used to evacuate the facility.**

Template = SECY-067

SECY-02

Comment to proposed requirement #3 (*insure that all children attending daycare centers and nursery schools within the evacuation zone are transported in approved child-safety seats that meet State and Federal laws as they pertain to the transportation of children and infants under 50 pounds in weight or 4'9" in height*): **This proposed requirement should not be imposed on government agencies. Responsible parents and guardians should assure that the daycare center or nursery school of their choice has developed and tested an all-hazard emergency plan that includes transportation resources with approved child-safety seats.**

Comment to proposed requirement #4 (*the creation and maintenance of working rosters of emergency bus drivers and back-up drivers for nursery school and daycare center evacuation vehicles, and the establishment of a system for notifying these individuals in the event of a radiological emergency. These rosters should be regularly checked and updated, with a designated back-up driver listed for each vehicle and route*): **This proposed requirement should not be imposed on government agencies. Responsible parents and guardians should assure that the daycare center or nursery school of their choice has developed and tested an all-hazard emergency plan that includes transportation resources such rosters and notification systems.**

Comment to proposed requirement #5 (*notification of emergency management officials by individual preschools as to the details of each institution's radiological emergency plan*): **This proposed requirement should not be imposed on government agencies. Responsible parents and guardians should assure that local government emergency management officials are provided a copy of the all-hazard emergency plan for the daycare center or nursery school of their choice.**

Comment to proposed requirement #6 (*annual site inspections of daycare centers and nursery schools within the evacuation zone by emergency management officials*): **This proposed requirement should not be imposed on government agencies. Responsible parents and guardians should assure that the daycare center or nursery school of their choice has been approved for occupancy and use as required by licensing rules and regulations.**

Comment to proposed requirement #7 (*participation of daycare centers and nursery schools within the evacuation zone in radiological emergency preparedness exercises designed to determine each institution's state of readiness*): **This proposed requirement should not be imposed on government agencies. Responsible parents and guardians should assure that the daycare center or nursery school of their choice has developed and tested an all-hazard emergency plan.**

Comment to proposed requirement #8 (*creation of identification cards, school attendance lists, and fingerprint records for all children who are to be transported to a relocation center, to insure no child is left behind or is unable, due to age, to communicate his or her contact information to emergency workers*): This proposed requirement should not be imposed on government agencies. Responsible parents and guardians should assure that the daycare center or nursery school of their choice has developed and tested an all-hazard emergency plan that includes methods for identifying children.

Comment to proposed requirement #9 (*development by emergency management officials of educational materials for parents informing them what will happen to their children in case of a radiological emergency, and where their children can be picked up after an emergency evacuation*): This proposed requirement should not be imposed on government agencies. Responsible parents and guardians should assure that the daycare center or nursery school of their choice has developed and tested an all-hazard emergency plan that specifies what will happen to their children in case of any emergency.

Comment to proposed requirement #10 (*stocking of potassium iodide (KI) pills and appropriate educational materials at all daycare centers and nursery schools within the evacuation zone*): This proposed requirement is neither necessary for nor appropriate. These institutions should have plans in place to safely relocate children and staff to a safe area before the environment becomes hazardous.

Comment to proposed requirement #11 (*radiological emergency preparedness training for all daycare center and nursery school employees within the evacuation zone*): This proposed requirement should not be imposed on government agencies. Responsible parents and guardians should require that the day care center or nursery school of their choice have employees that are trained to respond to any type of emergency that may threaten their children.

Comment to proposed requirement #12 (*listing of designated relocation centers for daycare centers and nursery schools in area phone directories so that parents can quickly and easily find where their children will be sent in case of a radiological emergency*): This proposed requirement should not be imposed on government agencies. Responsible parents and guardians should know the location where their child will be taken in an emergency.

Comment to proposed requirement #13 (*establishment of toll-free or 911-type telephone lines to provide information about radiological emergency plans and procedures for daycare centers and nursery schools within the evacuation zone*): This proposed requirement should not be imposed on government agencies. Responsible parents and guardians should (a) require that the day care center or nursery school of their choice have emergency plans and procedures for responding to any emergency that may threaten their children and (b) have a copy of said plans and procedures.

Comment to proposed requirement #14 (*creation of written scripts for use by the local emergency public broadcast system that include information about evacuation plans and designated relocation centers for daycare centers and nursery schools*): **This proposed requirement should not be imposed on government agencies because it is neither necessary nor appropriate. Such a requirement, if implemented, would render the emergency alert system useless.**

Based upon the above comments the County of Wayne recommends that the petition for rulemaking be rejected.

Very truly yours,

/s/

Mark R. Sparks, Director
Wayne County Emergency Management

MS:dmcc

Cc: MSP/EMD