

From: "McGhee, Dan" <DMCGHEE@health.state.ia.us>
To: "CAG@nrc.gov" <CAG@nrc.gov>
Date: Tue, Jan 14, 2003 3:15 PM --
Subject: Iowa Comments on PRM-50-79

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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Carol-

Here are the comments from Iowa about "50-79 " They're in MS Word format
Thanks for all the help.

Dan <<Nursery School Comments doc>>

DOCKET NUMBER
PETITION FILE # 50-79
(67FR 66588)

From : Iowa Department
of Public
Health

January 13, 2002

This correspondence refers to and provides comments on a petition for rulemaking, Docket No. PRM-50-79. This petition asks the US Nuclear Regulatory Commission (NRC) to amend its rules in order to provide "Federally-mandated requirements specifically designed to protect daycare centers and nursery schools located in the evacuation zones around nuclear power stations." We believe that this petition should be denied.

The petitioner's assertion, that there is no federally mandated protection for nursery school and day care populations, is not correct. In the Federal Emergency Management Agency's (FEMA) Radiological Emergency Preparedness Program (REP), state and local governments identify and insure that facilities housing "special populations" are prepared to protect those individuals. These concepts are addressed in NUREG-0654; FEMA-REP-1. In conjunction with these requirements, Appendix E to 10 CFR 50, Section IV.D.2, discusses information dissemination requirements for licensees.

Additionally, the protection of daycare centers and nursery school populations is a joint FEMA, state and local function. NRC has no regulatory authority over these entities. Therefore, this petition for rulemaking falls outside NRC's jurisdiction.

This petition should be denied for two reasons. There are federally mandated requirements to protect these special populations. These requirements are reviewed, exercised and evaluated regularly. Any lapses in this area are a FEMA, state and local situation. The second reason is that, since NRC holds no regulatory authority over the agencies who provide the requested protection, NRC has no jurisdiction to mandate this type of requirement.