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PETITION RULE PRM 50-79
(67FR 66588)

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Tennessee Valley Authority, 1101 Market Street, Chattanooga, Tennessee 37402-2801

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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Secretary
U.S. Nuclear Regulatory Commission
ATTN: Rulemakings and Adjudications Staff
Washington, D.C. 20555-0001

Gentlemen:

NUCLEAR REGULATORY COMMISSION - REQUEST FOR COMMENTS ON
PETITION FOR RULEMAKING; PRM-50-79, (VOLUME 67 *FEDERAL REGISTER*
66588)

This letter provides TVA's comments on the subject petition that requests the creation of new rule(s) requiring that emergency planning for daycare centers and nursery schools located in evacuation zones be included in all offsite emergency plans.

TVA endorses the comments provided by the Nuclear Energy Institute (NEI). In addition to NEI's comments, TVA provides our comments in the enclosure to this letter.

If you have questions, please contact Susan Ferrell at (423) 751-7737.

Sincerely,

Mark J. Burzynski
Manager
Nuclear licensing

Enclosure

cc (Enclosure):

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, D.C. 20555-0001

ENCLOSURE

1. Granted and as stated in the petition, there are no federally-mandated requirements specifically designed to protect daycare centers and nurseries located in evacuation zones. However, when it comes to radiological emergency plans, NUREG 0654, FEMA REP1, provides guidance for their preparation and evaluation. These plans, before receiving federal approval, undergo intensive review scrutinizing every aspect of the plan and comparing it to the recommendations contained in NUREG 0654. It should be noted that both Tennessee's and Alabama's emergency plans already address licensed daycare facilities operating in the Emergency Planning Zones.
2. Most daycare operations are private enterprises, not engaging in interstate commerce, and therefore are beyond the normal range of federal government oversight. The individual states have the right to oversee daycare operations, and all do. State agencies set and enforce standards of care and safety of the children in daycare. These standards reflect the concerns of the citizens of the states, as promulgated into law by the various legislatures.
3. State agencies, on any given day, do not know how many children are in daycare facilities. Within the states where our nuclear plants are located, licensed daycare centers are regulated and far more children are in the care of unregulated providers under the care of aunts, grandparents, or neighbors. In recognition of this fact, many states' laws provide that a person may tend a certain number of children without registering as a daycare provider, or undergoing any regulation whatsoever. Trying to expand a state's emergency planning to include unlicensed family day home type facilities would be impractical, if not impossible, to enforce due to the inability to identify or locate these facilities.
4. The petitioner proposes that daycare providers maintain a supply of Potassium Iodide (KI) on the premises for administration to children in the event of an emergency. Most child care providers are not allowed to give any medical treatment (not even aspirin) to a child in their care. Some concerns with their authorization to administer KI are: (a) KI is a pharmaceutical product and should be under the control of a licensed pharmacist, (b) KI should be dispensed and prescribed under appropriate medical oversight, (c) since there is a potential for adverse reactions to KI, appropriate precautions and education of parents of the children taking KI must be provided, and (d) nursery schools and daycare workers do not have training to determine when and how to dispense KI, nor do they have the medical knowledge and background that would make it practical for such training to be required. Neither TVA nor the states where our nuclear plants are located believe that the administration of KI in the event of a radiological emergency should be tasked to and entrusted in the providers of daycare or home care for someone else's child or children.