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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

1/17/03

From: Lawrence T. Christian
Subject: Comments on Petition for Rulemaking PRM 50-79

Secretary, US Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Secretary,

Several state Emergency Management Agencies are requesting that my submitted petition Docket number PRM-50-79 (to have all daycare centers and nursery schools included in the federally required radiological emergency readiness plans) be denied.

Some of these include:

*David L. Smith, Illinois Emergency Management Agency
Stephen J. McGrail, Massachusetts Emergency Management Agency
John Ort, Department of State Police, Michigan
Al Berndt, Nebraska Emergency Management Agency*

They site reasons such as: high costs; or that these responsibilities should fall on parents and day care centers; or these requirements are already covered in NUREG-0654 under the "special populations" provisions; or that their state already meets these requirements so they are unneeded, etc.

But according to my communications with state and county emergency management officials in the Commonwealth of Pennsylvania located near the Three Mile Island nuclear facility, there are currently no mandated emergency evacuation requirements for daycare centers and nursery schools.

"Our office has been in contact with the Department of Public Welfare. This agency either licenses or regulates daycare centers within the Commonwealth. In conversation with the DPW, the question was asked if daycare 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 daycare centers to have plans would be through legislation, which is not in place at this time."

Template = SECY-067

SECY-02

'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 daycare centers develop plans for all types of hazards. Of course we are not able to mandate that the daycare 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" daycare centers through out the County to have comprehensive plans and not just those centers that are within 10 miles of nuclear power plants.'

- Kay Carman, York County Director of Emergency Management

I also received this written response from the Executive Director for the York County Department of Emergency Services, Patrick McFadden:

'I will attempt to again address your concern Re: evacuation plans for county daycare facilities.'

'The jurisdiction of mandating those facilities falls within the Commonwealth, and we as county Gov't therefore have no authority to mandate such plans be in place. Therefore as stated in my previous response to you I must concur with the Emg. Operations Dept Dir.'

'Having said that, I know the York County Board of Commissioners agree with your concern relating to this need.'

- Patrick McFadden, Executive Director of York County Department of Emergency Services

Also see attached article: Day-care, nursery plans sought. Emergency readiness meetings set By LAURA GIOVANELLI Dispatch/Sunday News. It outlines how Patrick McFadden, upon my questioning, has started setting up meetings with day care centers. Upon my further communications with Mr. McFadden, he stated his concerns with the fact that he can set up these meetings, but has no power to make anyone show up.

Further, according to Kay Carman, even though daycare centers and nursery schools do not have mandated requirements for emergency evacuation planning, municipalities will help them with "comprehensive planning assistance".

Yet our daughter's nursery school director, Lisa Viering, has not found their help to be adequate:

"Township emergency officials referred me to Exelon (TMI operators) who they said would help me devise an evacuation plan. I called Exelon a month ago and had not heard back from them yet. I was getting ready to call them again. Regardless, the church has no access to a bus to transport the 50 children who attend the school. Whatever plan we adopt will involve the parents having to come pick up the children, which I agreed is not a workable plan."

To this date, January 17, 2003, my daughter's nursery school still does not have any an evacuation plan and they are within eyesight (less than 2.5 miles) of the Three Mile Island nuclear facility. They have been searching for an answer to this problem for over 16 months (since 9/11/02).

This issue has generated numerous news stories in the Central Pennsylvania area including: TV coverage, radio, magazine and newspaper articles. And I have gathered and submitted over 700 signatures of support for these regulations.

So as stated and demonstrated by my many communications with state and county emergency officials in the Commonwealth of Pennsylvania, daycare centers and nursery schools do not have protective measures in place.

To contrast... I have found that all public and private elementary, middle, jr. and high schools are currently required to be included in the federally required Radiological Emergency Response Plans (RERP). Upon my written communications with West Shore School District Superintendent, Dr. Larry Sayre and Principal of Allen Middle School & West Shore School District Emergency Coordinator, Joseph A. Gargiulo I found that all of the fore mentioned schools have: designated relocation centers, designated transportation, rosters of emergency bus drivers, educational materials, state of readiness checks, inclusion in radiological emergency preparedness exercises, etc.

Yet, most of the childcare facilities directors I contacted located near the Three Mile Island nuclear facilities have these same emergency preparedness plans or even know what they would do during an nuclear emergency.

Without NRC required regulations, no standard measure of adequate protection exists for daycare centers and nursery schools. This clearly fails to meet FEMA's federal requirements for offsite plans and preparedness to adequately protect the public health and safety:

"Since 1980, each utility that owns a commercial nuclear power plant in the United States has been required to have both an onsite and offsite emergency response plan as a condition of obtaining and maintaining a license to operate that plant. Onsite emergency response plans are approved by the Nuclear Regulatory Commission (NRC). Offsite plans (which are closely coordinated with the utility's onsite emergency response plan) are evaluated by the Federal Emergency Management Agency (FEMA) and provided to the NRC, who must consider the FEMA findings when issuing or maintaining a license."

'Federal law establishes the criterion for determining the adequacy of offsite planning and preparedness, i.e: "Plans and preparedness must be determined to adequately protect the public health and safety by providing reasonable assurance that appropriate measures can be taken offsite in the event of a radiological emergency."

- FEMA Fact Sheet: Nuclear Power Plant Emergency

I understand that some states "may have" evacuation planning requirements for daycare centers and nursery schools, but the Commonwealth of Pennsylvania does not. Which means that not all states do... and this shows the very need for such requirements.

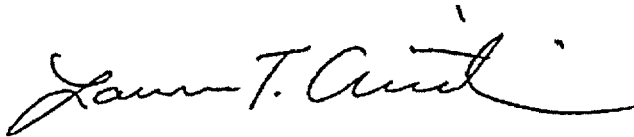
I must address the agencies that site costs as a limiting factor... I doubt the U.S. Congress voted to pass the U.S. Atomic Energy Act of 1954 knowing that corners were going to be cut in emergency planning and that newborns, infants and preschoolers were going to be left out. We as a society have a moral obligation to protect our youngest most vulnerable children. School age children are protected, preschool children need to be too.

I must also address the agencies that state these planning responsibilities should fall on parents and childcare facilities... Emergency planning obligations should fall on FEMA, the NRC and Emergency Management Agencies. See the above quote from the **FEMA Fact Sheet: Nuclear Power Plant Emergency**. These responsibilities should not fall on the parents or childcare facilities who have no training in emergency planning.

I might suggest a federal model that mirrors the Illinois, Massachusetts, Michigan or Nebraska models, which emergency management officials have stated are already in place. I applaud their efforts. I feel this shows that it can be done, we just need to make sure it is consistent and that it covers ALL childcare facilities that reside within the established evacuation zones around any of the licensed nuclear power station located around the nation under the control of the U.S. Nuclear Regulatory Commission.

The NRC must take proper action to fix these deficiencies so that the Radiological Emergency Readiness Plans (RERP) meet FEMA requirements to properly protect the public by including all daycare centers and nursery schools to ensure the safety of all preschool age children attending daycare centers and nursery schools that are not protected or accounted for by the current federal, state or county emergency plans.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lawrence T. Christian". The signature is written in dark ink and is positioned below the word "Sincerely,".

Lawrence T. Christian
133 Pleasant View Terrace
New Cumberland, PA 17070



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Day-care, nursery plans sought

Emergency readiness meetings set

By LAURA GIOVANELLI
Dispatch/Sunday News

York County emergency management officials are asking all county nursery schools and day-care centers to develop emergency evacuation plans, and they've scheduled a series of informational meetings to offer their help.

Officials encouraged development of the plans last year, but the effort failed. This year, as the first anniversary of Sept. 11 draws closer, emergency officials hope to see a better response.

But they are relying on individual schools to make the effort. Federal laws require institutions such as nursing homes and school districts within a 10-mile radius of nuclear power plants to have evacuation plans in place, but the laws do not extend to schools for toddlers and infants.

Now, York County Emergency Services Executive Director Patrick McFadden hopes nursery schools and day-care centers -- and not just those within 10 miles of the power plants at Peach Bottom and Three Mile Island, but across York County -- will choose to develop plans.

Each school's plan should outline where and how day-care center staff plan take their students to local shelters -- and where parents will be able to find them -- during an evacuation, McFadden said.

"We want all parents to feel a higher comfort level and to know where their children are," he said.

Schools and centers for children ranging from infants to 5 years of age will be contacted by the county over the next few weeks to coordinate meetings between emergency services personnel and the owners and administrators of the county's estimated 200 registered day-care centers.

McFadden said he hopes to hold about four information sessions across the county within the next two months to help day-care operators develop effective plans. He said similar meetings were poorly attended last year and few nursery schools developed evacuation plans.

McFadden said it was brought to local legislators' and county commissioners' attention about two weeks ago that many nursery schools near the county's two nuclear plants still lacked evacuation plans -- since



Day-care, nursery plans sought

then, McFadden said, there has been a renewed push for emergency planning at nursery schools and centers for younger children throughout York County.

"Post 9/11, there's going to be heightened awareness," said McFadden.

McFadden said emergency services personnel will aid schools in outlining their evacuation plans and help each school plan emergency transportation for all students.

He would like to see every day-care facility and school in the county have a plan in place, even those at some distance from the county's nuclear power plants.

Evacuations can be triggered by a nuclear accident and a variety of other emergencies, including chemical and gas leaks and water spills, he said.

Having a plan in place would provide a sense of security for parents facing all types of emergency, he said.

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