



Federal Emergency Management Agency

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Region VII
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OFFICE OF THE SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Attention: Rulemaking and Adjudication Staff

Docket Number: PRM-50-79

FEMA Region VII has reviewed the petition for rulemaking concerning emergency planning for daycare centers and nursery schools. We would like to offer the following comments:

1. We respectfully disagree with the petitioners' statement that there are no Federally mandated requirements specifically designated to protect daycare centers and nursery schools located in evacuation zones around nuclear power stations. Specifically, the following FEMA guidance documents address the protection of daycare and nursery school children: Guidance Memorandum EV-2, dated November 13, 1986; Memorandum "Response to Request for Policy Clarification on Radiological Emergency Planning for Day Care Centers" from Craig Wingo of FEMA National Office to Stephen Harrell of FEMA Region VII, dated March 5, 1993; FEMA-REP-14 "Radiological Emergency Preparedness Exercise Manual", dated September 1991; and "Radiological Emergency Preparedness: Exercise Evaluation Methodology" published in the Federal Register April 25, 2002.
2. All four states within FEMA Region VII have addressed the protection of licensed daycare and nursery school children in their Radiological Emergency Response plan. Specifically, the plans address, at a minimum, transportation resources available for evacuating the daycares and nursery schools, reception and care centers for these facilities, alert and notification procedures for these facilities, and public information for parents and guardians of daycare and nursery school children.
3. We do not agree with the petitioners' request that child safety seats be mandated specifically in the event of a radiological emergency at a nuclear power facility. We are not aware of any federal or state requirement that child safety seats be

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available at daycare or nursery schools in the event of any type of emergency evacuation of these facilities, whether it be due to natural or man-made occurrences. Should this be made a requirement specifically for the Radiological Emergency Preparedness (REP) program, we believe that the responsibility for providing these seats should be levied upon the individual parents and that they should be required to provide a safety seat to be left with the daycare or nursery school facility at all times.

4. We disagree with the petitioners' request that annual site inspections of daycare centers and nursery schools be made a part of the REP program. Inspections of these types of facilities are normally the responsibility of a state's health or social services department and we believe that is where this responsibility should remain.
5. We disagree with the petitioners request that identification cards, school attendance lists, and fingerprint records be mandated as part of the REP program requirements for daycares and nursery schools. Again, we believe that state health or social services departments have the responsibility for ensuring that licensed daycares and nursery schools have a mechanism in place for maintaining child accountability.
6. We strongly disagree with the petitioners' request that potassium iodide (KI) be stockpiled at daycare centers and nursery schools. If the daycare centers and nursery schools are evacuated prior to a radiological release, which is the stated intention in most REP plans, then there would be no need for KI for the children. Further, we believe that few parents of infants or preschool age children would choose to allow daycare or nursery school administrators to make decisions concerning whether or not to administer KI tablets to their children. Few parents would want the responsibility for administering the proper dosages to their children to be left to these non-medical individuals. Most public schools require a Medical Doctor's statement to even give an aspirin to students. Nursing homes will only give KI to patients with written permission from a Doctor. We believe that providing KI to daycare centers and nursery schools and expecting them to properly administer it to these very young children would be a serious mistake.

In summary, FEMA Region VII believes that adequate federal requirements are in place for the protection of daycare and nursery school students and that most states are in compliance with those requirements. Further, we believe it is the responsibility of FEMA, and the states themselves, to ensure that those states not in compliance

with these requirements immediately take steps to correct any shortcomings in their planning and preparedness. We believe that many of the requests in the petition for rulemaking go well beyond what is reasonable and necessary emergency preparedness. Therefore, it is our recommendation that the petition be disregarded.

Sincerely,

A handwritten signature in black ink that reads "Ronald L. McCabe". The signature is written in a cursive style with a large, prominent "R" and "M".

Ronald L. McCabe
RAC Chairman/Chief
Technological Services Branch

CC: Vanessa Quinn, ONP-TH-RP
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FEMA VII REP Staff