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DTE Energy



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PETITION FILE PRM 50-79
(67 FR 66588)

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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Secretary
U. S. Nuclear Regulatory Commission
Attention: Rulemaking and Adjudication Staff
Washington D C 20555-0001

On November 1, 2002 (67 FR 66588), the Nuclear Regulatory Commission (NRC) published a notice of receipt of a petition for rulemaking, dated September 4, 2003, which was filed by Lawrence T. Christian, et. al. (Docket Number PRM-50-79). The petition requests that the NRC amend its regulations regarding offsite emergency plans for nuclear power plants to ensure that all day care centers and nursery schools in the vicinity of nuclear power facilities are properly protected in the event of a radiological emergency.

Detroit Edison has consulted with the State of Michigan, Monroe County and Wayne County and concludes that adequate regulatory guidance exists and appropriate plans are in place to address evacuation of day care centers in the Fermi 2 Emergency Planning Zone (EPZ).

Federal Emergency Management Agency (FEMA) GM-2 states that REP planning should be undertaken for all licensed and government supported day care centers located within the plume exposure pathway EPZ. Further, on March 5, 1993, FEMA issued correspondence in which FEMA concluded that day care centers, which are either unlicensed or exempt from licensure by State law, are not currently subject to planning requirements. FEMA also strongly recommend that planning be provided for any unlicensed or exempt day care center with 10 or more children.

The regulation of day care operations in Michigan is divided into two distinct areas, licensed day care and registered day care. Emergency plans are required for all licensed and registered facilities. Children in licensed facilities (Child Care Centers and Group Day Care Homes) have always been considered part of the same process for evacuation as students attending public or private schools within the Fermi 2

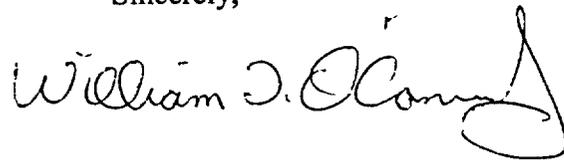
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EPZ. In-home day care facilities for six or fewer children need not be licensed, but they are to be registered. Since all day care facilities, whether licensed or registered, are required to have emergency plans, Detroit Edison concludes that it remains reasonable to continue to treat these registered facilities and the children therein as part of the general population during a nuclear power plant accident evacuation. Therefore, day care center evacuation in Michigan for power plant accidents is adequately addressed.

Detroit Edison urges the NRC to reject the petition for rulemaking. The petition incorrectly states that there is no FEMA guidance on day care centers. The offsite authorities in Michigan have developed appropriate plans to deal with day care centers based on existing guidance, as have most other states. There is no need for further regulation.

Sincerely,

A handwritten signature in black ink, reading "William J. O'Connell". The signature is written in a cursive style with a large, looping final flourish.

cc: D. Sibó – Michigan State Police
Emergency Management Division
M. V. Yudas, Jr.
Monroe County Emergency Management Division
M. Sparks - Director
Wayne County Emergency Management Division