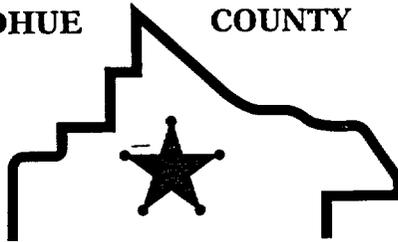


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OFFICE OF EMERGENCY MANAGEMENT

GARY A. FRIED, Director
911 Coordinator

DOCKETED
USNRC

January 10, 2003

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

January 22, 2003 (3:54PM)

Secretary
United States Nuclear Regulatory Commission
Washington DC 20555-0001
Attn: Rulemakings and Adjudications Staff

OFFICE OF THE SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Comments on the petition for rulemaking; Docket no. PRM-50-79.

General comments:

The petition for rulemaking, PRM-50-79, that was submitted to the US Nuclear Regulatory Commission (NRC) is not within the jurisdiction of the Commission. The agency that has regulatory oversight for offsite response, as stated in NUREG-0654 FEMA – REP1, is the Federal Emergency Management Agency (FEMA).

Although daycares and nursery schools are not specifically addressed, item II.C, of appendix 4 in NUREG-0654, discusses “special facility populations”. Daycare centers and nursery schools would fall under the definition of a special facility population and as such, it is the responsibility of state and local governments to ensure that these populations are addressed in emergency response plans.

Information is provided at least annually to all residents within the 10-mile emergency planning zone (EPZ) on how they will be notified and what their initial actions should be in an emergency per NUREG-0654, II G. 1 and 2. The dissemination would include all daycares and nursery schools within the 10-mile EPZ. The petitioners statement that they received no information indicates a deficiency that needs to be addressed in the petitioners state and does not indicate a need for a wide scale revamping of policy and/or procedures

In conclusion, we recommend that the NRC forward this petition to FEMA for consideration and action. We do not believe that additional rulemaking is needed and that the guidance that is contained in NUREG-0654 REP-1 is adequate and encompassing for daycare centers and nursery schools – provided that it is followed by state and local governments and enforced by FEMA.

Sincerely,

Gary A. Fried
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