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D. R. Wreder, Chairman  
Integrated Regulatory Affairs Group  
P.O. Box 1002, Glen Rose, Texas 75042

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PETITION FILE PRM 50-79  
(67FR 66588)

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STARS-03004

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January 16, 2003

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

OFFICE OF THE SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

**STRATEGIC TEAMING AND RESOURCE SHARING (STARS)  
COMMENTS ON THE PETITION FOR RULEMAKING REGARDING  
THE OFFSITE EMERGENCY PLANS FOR NUCLEAR POWER PLANTS  
AND DAY CARE CENTERS / NURSERY SCHOOLS (PRM-50-79)  
(67 FR 66588 and 67800)**

Gentlemen:

Attached are comments from the Strategic Teaming and Resource Sharing (STARS)<sup>1</sup> nuclear power plants on petition for rulemaking, dated September 4, 2002, which was filed by Lawrence T. Christian, et al.

We applaud Mr. Christian, et al, for their concern for our children, involvement in community affairs, and their desire to make our communities a better place. The STARS partners share their concerns as parents in each of our local communities. However, while the regulations proposed by the petition appear to enhance the health and safety of the general public, we are concerned that the children's, and their parent's, rights and responsibilities may be infringed upon. We feel that the issue of what is best for "special needs" facilities in the community should be established at the local level, working within the existing state, county, and local governmental agencies serving each area. STARS partners are active in each of our local communities and welcome an opportunity to address parental concerns in cooperation with the established local government entities that provide emergency services.

Based on the comments above and the attached concerns, STARS believes that the regulations proposed by the petition are overly prescriptive, may infringe upon the rights of those affected

<sup>1</sup> STARS is an alliance of six plants (eleven nuclear units) operated by TXU Energy, AmerenUE, Wolf Creek Nuclear Operating Corporation, Pacific Gas and Electric Company, STP Nuclear Operating Company and Arizona Public Service Company.

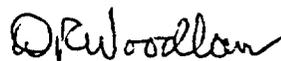
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and do not offer the best means to protect preschool children in day care centers or nursery schools. STARS opposes the petition and recommends that it be denied.

The STARS plants appreciate the opportunity to comment on this petition for rulemaking. If there are any questions regarding these comments, please contact me at 254-897-6887 or [dwoodla1@txu.com](mailto:dwoodla1@txu.com).

Sincerely,



D. R. Woodlan, Chairman  
Integrated Regulatory Affairs Group  
STARS

**Petitioners Request and STARS Concerns Regarding Proposed Rulemaking**

“The petitioners request that the NRC amend its regulations to insure that all children attending daycare centers and nursery schools within the evacuation zone are:”

<b><u>Petitioners request:</u></b>	<b><u>STARS concerns:</u></b>
“Assigned to designated relocation centers established safely outside the evacuation zone.”	STARS believes that this is overly prescriptive as the assignment of “relocation centers” is best determined by local emergency planning agencies in conjunction with each “special needs” provider.
“Provided with designated transportation to relocation centers in the event of an emergency evacuation.”	Most day care facilities are not within the jurisdiction and authority of school transportation systems; therefore, emergency transportation would require public or private transportation resources. The allocation of transportation resources is problematic for “special needs” members of the public such as the very young, elderly, or physically restricted. The solution for each “special needs” facility would be best determined by the facility, parents, and county or local emergency response planning organization.
“Transported in approved child-safety seats that meet State and Federal laws as they pertain to the transportation of children and infants under 50 pounds in weight or 4’9” in height.”	STARS believes the Department of Transportation and applicable State laws have the jurisdictional responsibility regarding this request; therefore, it would be inappropriate for inclusion in rulemaking affecting 10 CFR 50 activities.

<p><b><u>“The petitioners also request that NRC mandate the following regulations:”</u></b></p>	<p><b><u>STARS concerns regarding additional regulation requests:</u></b></p>
<p>“The creation and maintenance of working rosters of emergency bus drivers and back-up drivers for nursery school and daycare center evacuation vehicles, and the establishment of a system for notifying these individuals in the event of a radiological emergency. These rosters should be regularly checked and updated, with a designated back-up driver listed for each vehicle and route.”</p>	<p>This is generally a requirement for all designated emergency evacuation vehicles within the local emergency planning area and should be addressed in the local emergency plan and associated implementing procedures.</p>
<p>“Notification of emergency management officials by individual preschools as to the details of each institution's radiological emergency plan.”</p>	<p>The filing of “special needs” facilities emergency response plans is encouraged as an integral part of the existing county or local emergency response plan. STARS supports the voluntary filing of such plans consistent with each “special needs” facility charter and emergency assessment.</p>
<p>“Annual site inspections of daycare centers and nursery schools within the evacuation zone by emergency management officials.”</p>	<p>STARS believes this function would best be carried out by the local county emergency response personnel assigned to review schools and other “special needs” facilities, such as hospitals, group homes, and retirement facilities.</p>
<p>“Participation of daycare centers and nursery schools within the evacuation zone in radiological emergency preparedness exercises designed to determine each institution's state of readiness.”</p>	<p>STARS believes that there are conflicting opinions regarding the benefit of participation of the very young in additional emergency activities. The very young should have emergency training consistent with their ability to understand and respond appropriately. Simple evacuation drills appropriate for fire, flood, tornado, hurricane, hazardous material, local police action or national security scenario should be reviewed by parents at the county or local level to determine if they are adequate. STARS believes that the very low probability of a radiological event when compared to the probability of the other mentioned events does not warrant additional mandated resources.</p>

<p><b><u>“The petitioners also request that NRC mandate the following regulations:”</u></b></p>	<p><b><u>STARS concerns regarding additional regulation requests:</u></b></p>
<p>“Creation of identification cards, school attendance lists, and fingerprint records for all children who are to be transported to a relocation center, to insure no child is left behind or is unable, due to age, to communicate his or her contact information to emergency workers.”</p>	<p>STARS believes that this request is inappropriate for inclusion in 10 CFR 50 as it may infringe on the rights of minors, their parents, and be in conflict with the responsibility assigned to other governmental agencies. STARS believes that this issue would be better served to be addressed as part of the new Homeland Security or other local enforcement agency.</p>
<p>“Development by emergency management officials of educational materials for parents informing them what will happen to their children in case of a radiological emergency, and where their children can be picked up after an emergency evacuation.”</p>	<p>Each “special needs provider” should clearly identify any and all “alternate locations” or “emergency response” requirements anticipated by the facility providing service. Each “special needs” agreement should clearly discuss the legal rights and actions to be exercised during any emergency condition. STARS believes only the parent or legal guardian may assign these rights.</p>
<p>“Stocking of potassium iodide (KI) pills and appropriate educational materials at all daycare centers and nursery schools within the evacuation zone.”</p>	<p>10 CFR 50.47(b)(10) states: “A range of protective actions has been developed for the plume exposure pathway EPZ for emergency workers and the public. In developing this range of actions, consideration has been given to evacuation, sheltering, and, as a supplement to these, the prophylactic use of potassium iodide (KI), as appropriate. Guidelines for the choice of protective actions during an emergency, consistent with Federal guidance, are developed and in place, and protective actions for the ingestion exposure pathway EPZ appropriate to the locale have been developed.” STARS believes this is addressed and further rules are unwarranted.</p>
<p>“Radiological emergency preparedness training for all daycare center and nursery school employees within the evacuation zone.”</p>	<p>STARS supports preparedness training for all “special needs” facilities, however, the appropriateness of the training is best determined by active participation of parents, in conjunction with their local day care provider, so that the overall objectives of safety and child well being are balanced. This balance is best determined by the local provider in conjunction with parental support and participation.</p>

<b><u>“The petitioners also request that NRC mandate the following regulations:”</u></b>	<b><u>STARS concerns regarding additional regulation requests:</u></b>
<p>“Listing of designated relocation centers for daycare centers and nursery schools in area phone directories so that parents can quickly and easily find where their children will be sent in case of a radiological emergency.”</p>	<p>STARS believes that the concerned parent and special needs provider are best suited to address this issue. The offer to provide and acceptance of “special needs services” should include clear identification of any and all “alternate locations” or “emergency response” requirements of the facility.</p>
<p>Establishment of toll-free or 911-type telephone lines to provide information about radiological emergency plans and procedures for daycare centers and nursery schools within the evacuation zone.</p>	<p>Each State, county or local emergency response organization has information available to the general public to better inform them of actions to be taken prior to and during any local emergency consistent with a “special needs” plan. STARS believes that additional requirements are unjustified based upon the existing methods of emergency notification.</p>
<p>“Creation of written scripts for use by the local emergency public broadcast system that include information about evacuation plans and designated relocation centers for daycare centers and nursery schools.”</p>	<p>STARS believes that existing plans for each emergency planning zone contains provisions for the use of scripts; therefore, we encourage all “special needs” facilities to avail themselves of the services provided by their local emergency response planning organization.</p>

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