

August 13, 2004

The Honorable Bruce Smith
House of Representatives
Commonwealth of Pennsylvania
House Box 202020
Main Capitol Building
Harrisburg, PA 17120-2020

Dear Representative Smith:

On behalf of the Nuclear Regulatory Commission (NRC), I am responding to your June 7, 2004, letter, which transmitted a May 27, 2004, letter from Mr. Lawrence T. Christian to Mr. Michael D. Brown, Under Secretary, Emergency Preparedness and Response, Department of Homeland Security (DHS).

I have reviewed your constituent's letter and can provide the following status on the proposed rulemaking pertaining to radiological emergency planning requirements for special populations, such as nursery schools and daycare centers. The NRC is considering Mr. Christian's proposal as Petition for Rulemaking (PRM) 50-79 which was published for comment in the Federal Register on November 1, 2002. The comment period closed on January 15, 2003. All comments received have been reviewed. The NRC staff have developed a recommended resolution of the PRM and this resolution is currently undergoing management review.

Generally, the Federal Emergency Management Agency (FEMA) has responsibility for emergency planning issues around nuclear power plants, while the NRC has regulatory responsibility for onsite issues. Emergency planning issues are of mutual NRC and DHS/FEMA concern. However, DHS/FEMA can provide an authoritative response to questions about the roles and responsibilities of State and local organizations, as well as their compliance with established regulations and guidance. It is my understanding that DHS/FEMA (Vanessa Quinn, Chief, Radiological Emergency Preparedness Section, 202-646-3664) is in the process of responding to each of the specific questions posed in Mr. Christian's letter.

If you have any further questions, please do not hesitate to contact me.

Sincerely,

/RA MVirgilio acting for/

Luis A. Reyes
Executive Director
for Operations

cc: Honorable Arlen Specter
Honorable Rick Santorum
Honorable Todd Platts
Mr. Lawrence T. Christian

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Mr. Lawrence T. Christian

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