EDO Principal Correspondence Control

FROM: DUE: 02/22/05 EDO CONTROL: G20050061
DOC DT: 01/20/05
FINAL REPLY:

Reprsentative Todd Russell Platts

TO:

Rathbun, OCA

FOR SIGNATURE OF : ** GRN ** CRC NO: 05-0048

Reyes, EDO

DESC:

Radiological Emergency Response Plans

ROUTING:

Reyes
Virgilio
Kane
Merschoff
Norry
Dean
Burns/Cyr
Dyer, NRR
Collins, RI

DATE: 01/28/05

ASSIGNED TO: CONTACT:

NSIR Zimmerman

SPECIAL INSTRUCTIONS OR REMARKS:

Ref. G20040617.

Template: SECY-017

E-RIDS: SECY-01

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

*Date Printed: Jan 27, 2005 19:58*

| | | | |
|---|---|---|---|
| **PAPER NUMBER:** | LTR-05-0048 | **LOGGING DATE:** | 01/27/2005 |
| **ACTION OFFICE:** | EDO | | |
| **AUTHOR:** | Todd Platts | | |
| **AFFILIATION:** | REP | | |
| **ADDRESSEE:** | | | |
| **SUBJECT:** | Radiological Emergency Response Plans | | |
| **ACTION:** | Signature of EDO | | |
| **DISTRIBUTION:** | OCA to Ack | | |
| **LETTER DATE:** | 01/20/2005 | | |
| **ACKNOWLEDGED** | No | | |
| **SPECIAL HANDLING:** | | | |
| **NOTES:** | | | |
| **FILE LOCATION:** | ADAMS | | |
| **DATE DUE:** | 02/22/2005 | **DATE SIGNED:** | |

EDO --G20050061

TODD RUSSELL PLATTS
• 19TH DISTRICT, PENNSYLVANIA

1032 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515

TELEPHONE: (202) 225-5836
FAX: (202) 226-1000
www.house.gov/platts

COMMITTEE ASSIGNMENTS
TRANSPORTATION AND INFRASTRUCTURE
EDUCATION AND THE WORKFORCE
GOVERNMENT REFORM
CHAIRMAN, SUBCOMMITTEE FOR GOVERNMENT EFFICIENCY AND FINANCIAL MANAGEMENT
REPUBLICAN POLICY COMMITTEE

# Congress of the United States
## House of Representatives

January 20, 2005

Mr. Dennis Rathbun
Director of Congressional Affairs
Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, Maryland 20852

Dear Mr. Rathbun:

Enclosed is correspondence I have received from my constituent, Eric Epstein, concerning his request to have his attached letter forwarded to the Nuclear Regulatory Agency. Please extend to Mr. Epstein a complete and fair review of this case.

If additional information is needed, please contact my Legislative Assistant, Seth Grove, at (717) 600-1919, or via fax at (717) 757-5001. Written replies should be mailed to **Congressman Todd R. Platts, 2209 East Market Street York, PA 17402.** Thank you for your time and consideration. I look forward to your response.

Sincerely,

Todd R. Platts

TODD RUSSELL PLATTS
Member of Congress
19th District, Pennsylvania

TRP:sg

ADAMS COUNTY DISTRICT OFFICE
22 CHAMBERSBURG STREET
GETTYSBURG, PA 17325
TELEPHONE: (717) 338-1919
FAX: (717) 334-6314

CUMBERLAND COUNTY DISTRICT OFFICE
59 WEST LOUTHER STREET
CARLISLE, PA 17013
TELEPHONE: (717) 249-0190
FAX: (717) 218-0190



YORK COUNTY DISTRICT OFFICE
2209 EAST MARKET STREET
YORK, PA 17402
TELEPHONE: (717) 600-1919
FAX: (717) 757-5001

**Flanagan, Lisa**

**From:** Eric Epstein [ericepstein@comcast.net]
**Sent:** Tuesday, January 18, 2005 8:41 AM
**To:** Flanagan, Lisa
**Subject:** Letter to the NRC

February 18, 2005

Congressman Platts Office
c/o Lisa Flanagan
Lisa.Flanagan@mail.house.gov
(717) 600-1919

Dear Lisa:

Please note that the attached Letter was mailed to the Nuclear Regulatory Commission (NRC) on December 29, 2004. The NRC, (through direct return receipt via the Unites States Postal Service), documented receiving four copies of the Letter on January 5, 2005 as attested to by "E. Weddle".

Copies of the Letter were sent to Commissioners Diaz, McGaffigan and Merrifield and Director Zimmerman.

I am respectfully requesting that Congressman Platts relay the attached letter to the NRC on my behalf, and ask for an answer within 30 (thirty) days.

Thanks in advance for your assistance.

Sincerely,

Eric J. Epstein
4100 Hillsdale Road
Harrisburg, PA 17112
717-541-1101

*Mr. Epstein is the Chairman of Three Mile Island Alert, Inc., a safe-energy organization based in Harrisburg, Pennsylvania and founded in 1977. TMIA monitors Peach Bottom, Susquehanna, and Three Mile Island nuclear generating stations.*

*He is the Coordinator of the EFMR Monitoring group, a nonpartisan community based organization established in 1992. EFMR monitors radiation levels at Peach Bottom and Three Mile Island nuclear generating stations, invests in community development, and sponsors remote robotics research.*

Date: 12/29/2004

Director Roy P. Zimmerman

Chairman Nils J Diaz, Ph.D.
Commissioner Edward McGaffigan, Jr.
Commissioner Jeffrey S. Merrifield
U.S. Nuclear Regulatory Commission
Washington, D.C., 20555-0001

Dear Commission Members:

I am writing to acknowledge receipt of your letter dated December 3, 2004 responding to our September 1, 2004 letter informing the U.S. Nuclear Regulatory Commission (NRC) that the Commonwealth of Pennsylvania is in violation of your Nuclear Power licensing laws Federal Regulations (10 CFR 50.47; 10 CFR 50.54; 10 CFR Part 50 Appendix E; 44 CFR 350) because Pennsylvania has improperly planned for and/or left out the special populations outlined in GM EV-2 "Protective Actions for School Children" and FEMA GM 24 "Radiological Emergency Preparedness for Handicapped Persons" from PA's Radiological Emergency Response Planning (RERP) Requirements.

Attached are letters from several Pennsylvania Government Officials. These letters give direct evidence to the violations outlined in our September 1, 2004 letter.

These letters include statements by:

Pennsylvania Governor – Edward G. Rendell
Mayor of the Capital City of Harrisburg – Stephen R. Reed
Former Pennsylvania State Attorney General – Mike Fisher
Pennsylvania Emergency Management Agency Director – David M. Sanko

Here are some specific examples:

As Governor Rendell reported in the attached July 12, 2004 letter to the Pennsylvania Senate:

> "Nine months after I took office, I learned the state did not require emergency planning as a routine aspect of childcare licensure" - Governor Rendell (July 12, 2004)

From Mayor Reed August 7, 2003:

> "Surprisingly, nursery schools and daycare centers are not currently required to be part of any radiological incident or evacuation plan... this is a potential major omission for the Radiological Emergency readiness Plans now in existence."

Also attached are several letters from Pennsylvania Emergency Management Agency Director – David M. Sanko that shows a systematic failure to understand and follow your Nuclear Power licensing laws as well as a failure by FEMA to require PA to include child care facilities in it's RERP even though FEMA has certified PA's RERP for the past 18 years.

In Mr. Sanko's letters you will find that PEMA considers Radiological Emergency Response Plans for child care facilities to be on a "voluntary participation only" status. Mr. Sanko also indicates that PEMA will not treat these facilities any differently because they simply do not have the resources to provide shelter.

> "The Commonwealth will continue to encourage voluntary participation in RERP programs for all interested parties..." – David M. Sanko Director of PEMA (May 19, 2003)

> "Local government will not treat these businesses any differently than it does any other citizen. Especially in rural areas, municipal government simply may not have the resources to provide shelter." – David M. Sanko Director of PEMA (July 30, 2004)

GM EV-2 and GM 24 absolutely require State and local governments to treat these defined "special populations" differently because they are different and special precautions are needed to provide for their safety.

> Mr. Sanko states "Voluntary participation" and "municipal government simply may not have the resources to provide shelter".

This is a direct admission to violations of the requirements outlined in GM EV-2 "Protective Actions for School Children" by the Director of the Pennsylvania Emergency Management Agency.

In my September 1, 2004 letter, I outlined and sited the requirements of your Nuclear Power licensing laws to provide "reasonable assurance" and made the Nuclear Regulatory Commission aware that Pennsylvania has been in violation of your Nuclear Power licensing laws at that time.

Given the credibility and credentials of the authors of these letters, and the fact that they show that Pennsylvania has not been properly including preschool children in its' Radiological Emergency Response Plans, the Nuclear Regulatory Commission should immediately find that the state of emergency preparedness in Pennsylvania **does not provide** "reasonable assurance" and that adequate protective measures **can not be taken** in the event of a radiological emergency.

Therefore the Nuclear Regulatory Commission should immediately determine these outlined violations are "significant deficiencies" and therefore a major violation to 10 CFR 50.47 "Condition of licenses" which states:

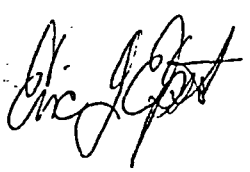
> **(ii) If after April 1, 1981, the NRC finds that the state of emergency preparedness does not provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency (including findings based on requirements of appendix E, section IV.D.3 ) and if the deficiencies ( including deficiencies based on requirements of appendix E, section IV.D.3 ) are not corrected within four months of that finding, the Commission will determine whether the reactor shall be shut down until such deficiencies are remedied or whether other enforcement action is appropriate.**

My understanding of NRC laws and regulations is that once this determination is made, than corrective measures must be implemented with four (4) months.

We've provided you with creditable evidence to this fact on September 1, 2004.

We would like to see evidence that such corrective measures have been called for by the U.S. Nuclear Regulatory Commission and that the Commonwealth of Pennsylvania has followed them.

Respectfully submitted,



Eric J. Epstein
TMI-Alert Chairman
4100 Hillsdale Road
Harrisburg, PA 17112

Mr. Epstein is the Chairman of Three Mile Island Alert , Inc., a safe-energy organization based in Harrisburg, Pennsylvania and founded in 1977. TMIA monitors Peach Bottom, Susquehanna, and Three Mile Island nuclear generating stations.

COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR
HARRISBURG

THE GOVERNOR

July 12, 2004

TO THE HONORABLE, THE SENATE.
OF THE COMMONWEALTH OF PENNSYLVANIA

I am allowing Senate Bill 922 entitled "An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, providing for custodial care facilities" to become law without my signature. I realize that the House and Senate passed this bill with the best intentions of protecting children in the event an emergency. But, I am allowing it to become law without my signature as a demonstration of my concern for the limited scope of the bill.

The passage of this bill occurred in a very busy week where many weighty bills competed for the attention of leadership and members. In that context, the full debate worthy of this bill could not occur. As a result, the legislature passed a bill that requires only for-profit childcare facilities to provide emergency evacuation plans for the children in their care.

Nine months after I took office, I learned the state did not require emergency planning as a routine aspect of childcare licensure. Given these troubling times, when the potential for such emergencies is greatly increased, I directed the Secretary of Public Welfare to utilize her authority under 55 Pa. Code, §3270.21, §3280.20, and §3290.18 to publish a statement of policy in the December, 2003 Pennsylvania Bulletin requiring *every* child care center, group day care home and family day care home operator to develop an emergency preparedness plan. In concert with the Department of Public Welfare, PEMA created a standard emergency planning tool to guide every childcare provider in creating such a plan. This plan ensured that the provider had all possible phone numbers of parents and relatives of each child. It also required the provider to address how they might transport each child to safety in the case of an emergency. Obviously, these are questions that any substantive health and safety licensure process would require of any childcare entity.

Given that the legislation that was passed speaks to the need for emergency preparedness plans for only a segment of providers, and that it does not exempt the balance of such providers from preparing such plans, I believe our legal authority to require these plans is

maintained through regulation. No one should view this bill as an excuse for not following the Department's policy as outlined in December, 2003 Pennsylvania Bulletin.

The President and former Governor Ridge have urged us all to be vigilant. They call on each of us to be prepared in the case of an emergency. Yet this bill is silent with respect to emergency planning for the evacuation of children for 183,000 children in licensed non-profit or family care entities. This bill provides for the statutory authority to require *a* class of childcare providers to prepare emergency plans. I believe the law of the Commonwealth should require such plans for ***all*** classes of licensed providers.

I would urge the legislature to pass new legislation that ensures total consistency with this policy by expanding the statutory requirement for emergency plans to all childcare, group day care and family day care homes. I believe the parents in the Commonwealth who rely on these entities expect nothing less.

I am hopeful that you will see the wisdom of including *all* appropriate childcare facilities within the purview of the mandates of this bill and send legislation to me to correct this oversight this fall.

Edward G Rendell

Edward G. Rendell
Governor

# Office of the Mayor
## The City of Harrisburg

City Government Center
10 North Second St
Harrisburg, PA 17101-1678

Stephen R. Reed
Mayor

(717) 255-3040


August 7, 2003

Ms. Patricia Welty, Deputy Secretary
Office of Legislative Affairs
Office of the Governor
225 Main Capitol Building
Harrisburg, PA 17120

Dear Deputy Secretary Welty:

Recently, Mr. Lawrence T. Christian of 133 Pleasantview Terrace, New Cumberland, PA 17070, made contact with your office to request support for the inclusion of childcare facilities in Radiological Emergency Readiness Plans.

Mr. Christian has requested this office urge your endorsement and support of the same. To this end, attached is a copy of the earlier letter sent by the City of Harrisburg to the United States Nuclear Regulatory Commission (NRC) formally requesting that the NRC establish a rule, the effect of which would be to require that nursery schools and daycare centers be included in Radiological Emergency Readiness Plans that are federally mandated and required for municipalities and other governmental entities within the radius area of licensed nuclear power stations.

Surprisingly, nursery schools and daycare centers are not currently required to be part of any radiological incident or evacuation plan. Public schools are included but not these other facilities. There is absolutely no doubt, in the event of a radiological incident, there would be confusion and significant uncertainty regarding the handling of youngsters and staff assigned to these facilities. To put is mildly, their parents would be frantic.

This is a potentially major omission from the Radiological Emergency Readiness Plans now in existence. It should be remedied by requiring that these facilities be included so that there is a prescribed means of their being informed, protected, and, if necessary, relocated in the event of a major incident.

It is respectfully recommended that your good office support such an additional planning requirement through correspondence to the United States Nuclear Regulatory Commission.

We very much appreciate your consideration of this matter.

With warmest personal regards, I am

Yours sincerely,

Stephen R. Reed
Mayor

Attachment
SRR:lmh
cc: Governor Edward G. Rendell

10

DOCKET NUMBER
PETITION RULE PRM 50-79
(67FR 66588)

Office of the Mayor
The City of Harrisburg
City Government Center
10 North Market Square
Harrisburg, PA 17101-1678

Stephen R. Reed
Mayor

(717) 255-3040

December 3, 2002

Ms. Annette Vietta-Cook, Secretary
U.S. Unclear Regulatory Commission
Washington, D.C. 20555-001

Re: Petition for Rulemaking filed
by Lawrence T. Christian
(Docket No. PRM-50-79)

Attn: Rulemakings and Adjudications Staff

Dear Ladies and Gentlemen:

This serves to exercise our right to comment regarding the Rulemaking filed under Docket No. PRM-50-79, for which the public comment period ends January 15, 2003.

The City of Harrisburg hereby endorses and supports the proposed rule, the effect of which would be to require that nursery schools and daycare centers be included as a required addition to Radiological Emergency Readiness Plans that are federally mandated and required for municipalities and other governmental entities within the radius area of licensed nuclear power stations.

The exclusion of such facilities in present Radiological Emergency Plans is an omission that is certain to create confusion and chaos in the event that an evacuation would ever be ordered in one of the affected evacuation zones near to a nuclear power station. Parents and others would be attempting to reach the nursery schools and daycare centers, which would almost certainly delay any prospect of their orderly evacuation. Further, nursery schools and daycare centers have thus far generally not put into place any evacuation plan, which means there would be on-site confusion regarding the safety of the children entrusted to these facilities.

It makes common sense to specifically include nursery schools and daycare centers as part of a Radiological Emergency Plan and the proposed Rule to do so is therefore an appropriate addition to such required planning.

Yours sincerely,

Stephen R. Reed
Mayor

SRR:lmh

Template = SECY-067

SECY-02

COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL
HARRISBURG, PA 17120

MIKE FISHER
ATTORNEY GENERAL

16TH FLOOR
STRAWBERRY SQUARE
HARRISBURG, PA 17120
(717) 787-3391

May 22, 2003

The Honorable Edward G. Rendell
Governor
Governor's Office
225 Main Capitol
Harrisburg, PA 17120

Dear Governor Rendell:

I strongly support the inclusion of daycare centers and nursery schools that are located within the 10-mile perimeter zones of any of the five nuclear power plants located in Pennsylvania to be part of Pennsylvania's Emergency Management Agency's (PEMA) Emergency Operations Plans.

The lack of pre-planning and inclusion of daycare centers and nursery schools in the evacuation efforts, in the event of an emergency incident at a nuclear power facility, would result in on-site confusion regarding the safety of the children entrusted to these facilities. During an event of this nature, parents or guardians would attempt to reach the facilities as the uncertainty of the children's evacuation alternatives have not been pre-established. Schools in an area designated for an evacuation have pre-arranged transportation to a designated relocation center. The transportation and relocation of school children to host locations is outlined in PEMA's Emergency Operations Plans. As with schools in an evacuation area, pre-arranged transportation and host locations need to be identified for parents of children at daycare and nursery schools.

I have received correspondence with attachments from Mr. Lawrence T. Christian, who is a concerned parent of children who attend pre-school centers. In addition, I have received

correspondence from the Honorable Bruce Smith, Pennsylvania House of Representatives, who has expressed his support of including daycare and nursery schools in emergency planning and evacuations.

Thank you for your consideration of this request.

Very truly yours,

Mike Fisher

Mike Fisher
Attorney General

✓ bcc: Mr. Lawrence T. Christian

PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY
2605 Interstate Drive
Harrisburg, Pennsylvania 17110-9364

May 19, 2003

Mr. Lawrence T. Christian
133 Pleasant View Terrace
New Cumberland, PA 17070

Dear Mr. Christian:

I am responding to your letter dated April 11, 2003, and in reference to "U. S. NRC Petition for Rulemaking PRM 50-79," on behalf of Governor Edward G. Rendell.

The question you raise is a valid one as day care and nursery school facilities are more plentiful today than twenty years ago. The Pennsylvania Emergency Management Agency (PEMA) has raised this issue with the emergency management professionals, who at the county level, are responsible for disseminating information, implementing program changes and assisting the municipalities within their jurisdictions. Since the early 1980s when the federal guidance on Radiological Emergency Response Preparedness (RERP) was initially established, the Commonwealth has been at the forefront of the national discussion. PEMA continues to lead this effort in conjunction with the eleven counties in the five nuclear power plant Emergency Planning Zones (EPZ) within the Commonwealth. The planning effort is reviewed on an annual basis. The preschool issue is currently under review. The issue is compounded because private businesses are not subject to the same requirements placed on public entities. Additionally, the existing regulatory guidance (FEMA-REP14, dated September 1991) already allows for voluntary participation by private institutions.

PEMA has also reviewed and commented on the petition you authored and filed with the Nuclear Regulatory Commission (NRC). Based on our review, the Commonwealth has recommended the petition be denied. Our recommendation is based on our belief that parental and local involvement with these facilities will have better success than another highly prescriptive federal regulation. We agree the issue is valid. Many of the counties have taken steps to notify and advise preschool facilities on the importance of developing facility emergency plans for all hazards. Operators are encouraged to provide this information to the parents and the municipalities in which they operate. Some municipalities have had preschool facilities incorporated into their municipal planning efforts for years; other have not and more needs to be done.

The Commonwealth will continue to encourage voluntary participation in RERP programs for all interested parties and seek answers to the broader issues concerning "all hazards" planning and protection of all of our citizens.

Thank you for your concern in this matter. If I can provide additional information do not hesitate to contact me.

Sincerely,

David M. Sanko
Director

DMS/REB/bea

PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY
2605 Interstate Drive
Harrisburg, Pennsylvania 17110-9364

July 30, 2004

Mr. Larry Christian
133 Pleasantview Terrace
New Cumberland, PA 17074

Dear Mr. Christian:

We received your letter inquiring about the provisions that are made in Pennsylvania law and regulation to protect children in day care facilities. As you know, last year the Pennsylvania Department of Public Welfare and this agency initiated actions to address concerns regarding comprehensive emergency planning and preparedness in day care centers. The Department of Public Welfare (which regulates and licenses day care centers) promulgated regulations that require all centers under their purview to develop more stringent emergency preparedness plans. Further, these day care facility plans will be part of the state's regular inspections of the facilities.

In addition, earlier this year the Pennsylvania General Assembly passed Act 2004-73 which codified these regulatory requirements for certain state licensed day care centers and nursery schools. This law, while a good start, does not go far enough top protect those in the care of others. It is important to note that, while not all state licensed or regulated day care centers were included in this legislation, it is the position of this Administration that sufficient legal authority exists for the Department to enforce the existing regulatory order statewide.

In your letter, you grouped your questions into seven categories. Although my responses may prove repetitious, it is probably best to address the questions individually:

**(1) Shelter of children during an emergency.**

*Are child care facilities being provided these shelters by county emergency management officials?* Child care facilities are, for the most part, private business entities who, in conjunction with the parents, should assume responsibility for the safety of their charges. Local government will not treat these businesses any differently than it does any other citizen. Especially in rural areas, municipal government simply may not have the resources to provide shelter. In so far as municipal shelters are available, child care providers are encouraged to use them.

On the other hand, "Immediate shelter" and "in place shelter" as discussed in the plan must be within the facility. As stated in the plan, these are to be used when it is unsafe to go outside (severe weather, hazardous materials in the atmosphere, civil disturbance in the area, etc.) Under these circumstances, any kind of government-provided shelter is out of the question.

*What are the minimum distances from the EPZ that are going to be required?* The daycare plan that is provided on the PEMA website is general, and was never meant to supersede other requirements. Facilities located within the 10-mile "emergency planning zone" of a nuclear power plant should comply with the planning constraints that come with living in that area, and identify a relocation center that's outside the EPZ.

*How and by whom are these arrangements being secured?* Child care facilities are, for the most part, private business entities who should assume responsibility for their charges along with the parents of the children.

*Will public school officials be assisting child care facilities needs by making their relocation centers available for this purpose?* In many cases, municipal governments already have agreements with school districts to use their facilities. It would make sense for the day care provider to utilize this if it is available. If the shelters that the municipal government has planned are for some reason unacceptable to the day care provider, that provider may make whatever agreements (s)he feels are necessary.

*Are letters of agreement needed/being issued so that there is a record of this for all parties showing agreement to provide these services?* There is a place in the plan (Part I, Paragraph 7) called *"CONCURRENCE WITH OUTSIDE RESOURCES"* where resource providers can sign that they are aware of the requirements placed on them by the plan.

**(2) Evacuation of children from the facility.**

*Are child care facilities being provided transportation by county emergency management officials?* Child care facilities are, for the most part, private business entities who should assume responsibility for their charges. As mentioned in the Day Care facilities planning guide that's on PEMA's website "*...the municipal emergency management agency may be able to help, but it won't be able to guarantee that you will remain in one group, thus complicating your accountability problems.*" Child day care providers should coordinate with municipal government and decide whether to use government-provided resources, or to make separate arrangements.

*How and by whom are these arrangements being secured?* Care of their charges is ultimately the responsibility of the day care provider and the parents of the children.

*What special provisions are being made to safely evacuate newborns and infants?* Consideration for the special needs of specific charges should ultimately be the responsibility of the business owner and the parents of the children.

*Will public school officials be assisting child care facilities needs by making their transportation available for this purpose?* In many cases, school district-owned transportation resources are a major part of municipal evacuation plans. Day care providers should coordinate with local emergency planning agencies to determine if they will take advantage of these plans. In those cases where the municipal plans are unacceptable, the day care providers should make whatever

arrangements they feel are necessary to discharge their responsibility for their charges.

*Are letters of agreement needed/being issued so that there is a record of this for all parties showing agreement to provide these services?* There is a place in the plan (Part I, Paragraph 7) called *"CONCURRENCE WITH OUTSIDE RESOURCES"* where resource-providers can sign that they are aware of the requirements placed on them by the plan.

**(3) Emergency Notification.**

*Are child care facilities going to be provided notification by emergency management officials during an emergency?* Municipalities provide for notification of the general public through the emergency alert system or other means. Some municipalities that contain special hazards include a list of "special facilities" (i.e.: day care homes/centers) that will be notified directly. Day care providers should find what systems are used in their community, and monitor those systems. We suggest that they use a NOAA weather alert radio and also, obviously, tune to the Emergency Alert System (EAS).

*Will emergency management officials be deciding what protective actions each child care facility will take, or is it up to the facility director*? If time allows, municipal officials will issue a protective action decision. However, localized emergencies or severe time constraints may dictate that the day care facility operator must choose the most prudent course of action. The sample plan on PEMA's website lists considerations (Part II, Checklist A) that will help the day care provider to make that decision.

*How and by whom are these arrangements being secured?* As a private business entity, the day care providers, in conjunction with the parents of the children, are responsible for the safety of their charges.

**(4) Identification Systems for preschoolers.**

*What provisions are being required for identification systems for preschool children who are to be relocated during an emergency?* This plan creates no additional procedures for identification. The same procedures that are used for normal field trips should suffice. If normal accountability procedures are unacceptable, the day care providers should make whatever arrangements they feel are necessary to discharge their responsibilities. As a caution, it is not recommended to create special procedures for use only during emergencies. New procedures only add to the confusion and the stress placed on the children.

*How and by whom are these arrangements being secured?* As a private business entity, the day care providers, in conjunction with the parents of the children, are responsible for the safety of their charges.

**(5) KI Tablets.**

*What provisions are being secured for providing KI tablets for child care facilities?* The distribution and use of Potassium Iodide (KI) is voluntary. If the day care provider chooses to

distribute KI to its charges (after obtaining the same written authorization from the child's parents as for any other pharmaceutical) it can obtain the pills from the Pennsylvania Department of Health. The commonwealth will conduct an annual KI awareness and distribution campaign.

*How and by whom are these arrangements being secured?* As a private business entity, the day care providers, in conjunction with the parents of the children, are responsible for the safety of their charges.

**(6) Problems getting cooperation and securing provisions outlined with Title 55.**

*What recourses are child care facilities being provided if they are being denied or having trouble securing outside transportation, relocation and sheltering assistance?* As a private business entity, the day care providers are responsible for the safety of their charges. Local governments will provide to them the same levels of protection that are provided to private citizens and other businesses in the community. These must be constrained by the levels of resources available to the municipality.

Title 55 does not place any additional requirements on local government. It simply requires that day care providers commit to writing those plans that they have to continue to provide care for children during time of emergency.

**(7) Nursery Schools.**

*Are the protective actions listed in PA bulletin Title 55 required for all child care facilities including those regulated by the PA Department of Education like public and private nursery schools?* NO. Those facilities are subject to other regulations promulgated by the state Department of Education. The Department of Education has not announced how it will address Act 2004-73 requirements.

I hope that we've provided adequate answers to your questions. If you have further questions, please feel free to contact me.

Sincerely

David M. Sanko
Director

DMS:JJC