

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

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To: Hagan, ADM
Appropriate Action

AUTHOR: Mr. James Joseph
AFFILIATION: PA
ADDRESSEE: Mrs. Annette Vietti-Cook

CYS: EDO
DEDMRS
DEDR
DEDIA
AO
NSIR

SUBJECT: Concerns comments to Denial of Petition for Rulemaking, PRM-50-79, Federal Register Vol. 70, No. 242

ACTION: Appropriate
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LETTER DATE: 02/21/2006

ACKNOWLEDGED No

SPECIAL HANDLING:

NOTES:

FILE LOCATION: ADAMS

DATE DUE:

DATE SIGNED:



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



February 21, 2006

Annette L. Vietti-Cook
Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
Attention: Rulemaking and Adjudication Staff

**RE: Comments to Denial of Petition for Rulemaking
Nuclear Regulatory Commission
Docket No. PRM-50-79
Federal Register Vol. 70, No.242**

Dear Ms. Vietti-Cook:

I have been asked by the Governors office to submit this letter for the purpose of correcting a factual finding made by the Nuclear Regulatory Commission (NRC) in their Denial of Petition for Rulemaking referenced above.

The NRC made a factual finding at page 75087 of its Denial of Petition for Rulemaking. Specifically at page 75087, Federal Register Vol. 70, No.242, Denial of Petition for Rulemaking, the NRC in discussing the public comments received from the Governor of Pennsylvania makes reference to the "Letter from the Governor of Pennsylvania withdrawing an earlier submitted letter, and supporting the granting of the petition." The NRC is referring to an October 3, 2003 letter submitted to the NRC by Adrian R. King, Jr., Special Assistant to the Governor, withdrawing an earlier submitted letter.

Nowhere in the October 3, 2003 letter does it state the Governor of Pennsylvania supports the granting of the petition. The letter simply states that Pennsylvania strongly supports the development of all-hazards emergency plans for child day care facilities and nursery schools throughout the state. The letter then goes on to outline what Pennsylvania is doing to address all-hazards planning throughout the state as it involves child day care facilities and nursery schools.

The October 3, 2003 letter did not support the granting of the petition and we respectfully request that this error be formally corrected.

Thank you for the opportunity to submit the foregoing comments.

Very truly yours,

James R. Joseph
Director

cc: Mr. John Estey, Chief of Staff, Office of the Governor
Mr. Arthur Stephens, Deputy Chief of Staff, Office of the Governor
Mr. Ted Dallas, Executive Deputy Secretary, Dept. of Public Welfare
Mr. David Allard, Director, Bureau of Radiation Protection
Ms. Charlotte Kennedy, Director, Bureau of Certification Services
Ms. Sheri Rowe, Chief, Division of Nonpublic, Private and Charter School Services
Darrell Hammons, RAC Chair, DHS Region III



Pennsylvania Emergency
Management Agency
2605 Interstate Drive
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February 21, 2006

Mr. Nader L. Mamish
Director, Emergency Preparedness Directorate
Office of Nuclear Security and Incident Response
United States Nuclear Regulatory Commission
Mail Stop: O-6H2
Washington, DC 20555-0001

Dear Mr. Mamish:

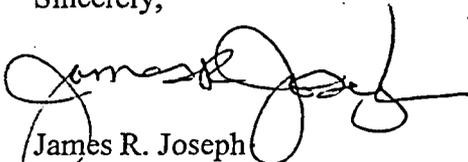
On behalf of the Pennsylvania Emergency Management Agency and the Commonwealth of Pennsylvania, please accept our appreciation for the opportunity to have met with you and staff of the Nuclear Regulatory Commission (NRC) on January 26, 2006. We further appreciated the opportunity to provide the NRC with information and answers regarding questions presented during your visit on January 26, 2006. It is our understanding that, based upon that meeting and subsequent conference calls conducted in early February, the questions have been answered to your satisfaction.

Enclosed, please find our response to the information published in the Federal Register Volume 70 No. 242, Monday December 19, 2005. The response regarding the Federal Register is addressed to Annette L. Vietti-Cook, Secretary of the Commission.

The information provided addresses both existing and updated regulations, statutes, policies and guidance memoranda. Based upon communications and correspondence received from you, we understand that the Commonwealth has been, and will continue to remain, in compliance with the emergency preparedness and public safety obligations as they pertain not only to the subject day care issue, but also to all of our citizens.

We look forward to a continued open working relationship with all of our federal partners.

Sincerely,



James R. Joseph
Director

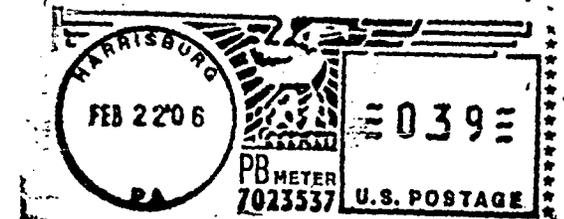
JRJ/EEB/hct

Enclosure

cc:

Mr. John Estey, Chief of Staff, Office of the Governor
Mr. Arthur Stephens, Deputy Chief of Staff, Office of the Governor
Mr. David Allard, Director, Bureau of Radiation Protection
Ms. Charlotte Kennedy, Director, Bureau of Certification Services
Ms. Sheri Rowe, Chief, Division of Nonpublic, Private and Charter School Services
Annette L. Vietti-Cook, Secretary of the Nuclear Regulatory Commission
Darrell Hammons, RAC Chair, DHS Region III
Ted Dallas, Executive Deputy Secretary, Dept. of Public Welfare

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