

Enclosure 2

NRC Staff Response to Petition Questions

Regarding

Daycare Preparedness in Pennsylvania

and

Recommendations for Improvement

(ML060760644)

Enclosure 2

NRC STAFF RESPONSE TO PETITION QUESTIONS REGARDING  
DAYCARE PREPAREDNESS IN PENNSYLVANIA  
AND  
RECOMMENDATIONS FOR IMPROVEMENT

PURPOSE

The September 4, 2002 petition for rulemaking by Mr. L.T. Christian and its supporting information (PRM-50-79) generally asserted that there was no planning within the Commonwealth of Pennsylvania for the daycare population and that there was no Federal requirements for emergency planning for this segment of the population. The petition requests were characterized as 14 individual requests and each was addressed in the petition denial. The effect of these assertions and requests was to raise questions regarding local implementation of relevant requirements and guidance. In its staff requirements memorandum (SRM) for SECY-05-0045, dated October 26, 2005, the Commission directed the staff to explore options to further assess these questions and provide any recommendations for improvement as necessary. This enclosure responds to the direction in the SRM.

As described elsewhere in this Commission paper and its enclosures, the staff has met with representatives of the Department of Homeland Security (DHS) and the Pennsylvania Emergency Management Agency (PEMA). Based upon this meeting and some follow-on teleconferences, the staff has obtained information, responsive to the SRM direction, regarding the status of emergency preparedness within the Pennsylvania with specific regard to the planning for daycare facilities. The staff learned that the Commonwealth has provided emergency preparedness for all segments of the population since the mid 1980's. In 2004, subsequent to the filing of the petition, the Commonwealth amended its emergency management statutes to task the administrators of daycare facilities to develop and maintain facility-specific all-hazards emergency plans as a condition of their licensure.<sup>1</sup> As such, the Commonwealth's approach to providing for the daycare population has changed. This enclosure will describe the emergency preparedness for daycare facilities both prior to and following the recent legislation. The staff has taken this approach for the following reasons:

- The staff believes that the petition's assertions that Pennsylvania has never had preparedness for this segment of the population warrants a response in order to correct the record and to demonstrate that the NRC's continued reliance in the FEMA reasonable assurance determinations during this period has not been misplaced.
- The staff has rejected several subsequent petitions<sup>2</sup>, allegations, and requests for hearings, generally on the basis that the fundamental concern, inadequate emergency preparedness in Pennsylvania, was already known to the Commission and was being evaluated pursuant to the SRM and under other formal processes. Similar assertions were made in correspondence from the petitioners and their congressional

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<sup>1</sup> These statutes had previously tasked only the public and private school systems for developing and maintaining emergency plans.

<sup>2</sup>...For example, in a §2.206 petition filed on November 18, 2005: *"Pennsylvania does not comply with [F]ederal regulations requiring emergency planning for preschool children, and the Federal Emergency Management Agency has been reaching a false finding for emergency planning compliance for the past 19 years. . . "*

representative. As such, discussion of the emergency preparedness before and after the 2004 legislation is needed to be fully responsive to the concerns identified in these requests.

- The current planning status described in Enclosure 2 is specific to Pennsylvania and would not apply to other states which may, in accordance with their approved plans, treat the daycare population as being part of their planning for special populations. The previous status described in Enclosure 2 shows that FEMA's reasonable assurance determinations for Pennsylvania were appropriately consistent with the planning standards of § 50.47(b) and the evaluation criteria in NUREG-0654/FEMA-REP-1, a conclusion that the staff believes is likely representative of FEMA findings in these other states, as well.

## BACKGROUND

On September 4, 2002, Mr. L.T. Christian submitted a petition for rulemaking that generally requested that the NRC amend its regulations regarding offsite State and local government emergency plans to ensure that all daycare facilities and nursery schools (henceforth, "daycare facilities") within the plume exposure emergency planning zone (EPZ) of a nuclear power plant are properly protected in the event of a radiological emergency. SECY-05-0045, "Denial of a Petition for Rulemaking To Revise 10 CFR Part 50 To Require Offsite Emergency Plans To Include Nursery Schools and Daycare Centers (PRM-50-79)," recommended denial of the petition for the stated reason that current NRC and FEMA guidance provide reasonable assurance of adequate protection of all members of the public, including children attending daycare centers and nursery schools, in the event of a radiological emergency. SECY-05-0045 noted that the information obtained during the review of the petition raised questions about local implementation of relevant requirements and guidelines. The Commission accepted the staff's recommendation of denial, subject to comment, on October 26, 2005. The petition denial was published on December 19, 2005.

The SRM directed the staff to undertake several actions intended to resolve the implementation issues. Consistent with this direction, NRC headquarters and Region 1 staff met on January 26, 2006, with representatives of the Pennsylvania Emergency Management Agency (PEMA), the Pennsylvania Department of Welfare (DPW), the Pennsylvania Department of Environment Resources/Bureau of Radiation Protection (BRP), DHS headquarters, and the DHS Philadelphia Field Office. Immediately following the meeting, the NRC and DHS participants caucused to review the preceding discussions. The parties agreed that PEMA and the DPW had described a very comprehensive, legally mandated program for licensed daycare facilities that, moving forward, substantially enhances the emergency preparedness posture that was previously found by DHS to provide reasonable assurance that adequate protective measures can and will be taken for the public, including children in daycare facilities. On February 2, 2006, the NRC HQ and Region 1 staff and the DHS HQ and Philadelphia Field Office staff conducted a teleconference with PEMA to obtain clarification on certain items discussed during the January 26, 2006, meeting.

## RESPONSE

After a general discussion provided to summarize information that is relevant to more than one of the petition requests, the remainder of this enclosure documents the individual petition

requests, a discussion on how the Commonwealth's planning prior to enactment of the daycare emergency preparedness legislation and regulation was responsive to that request, and a discussion on how the planning is being implemented pursuant to that legislation. This response is based on information obtained in the discussions identified above, other discussions and correspondence with DHS, and program office experience in implementing and evaluating emergency preparedness. In addition, the staff considered the Commonwealth's Senate Bill 922 and the DPW regulations that implement that legislation and otherwise establish requirements for daycare facilities.<sup>3</sup>

General Comment: *Previous Status.* Because of a lack of apparent statutory authority<sup>4</sup> over private entities such as daycare facilities, the Commonwealth of Pennsylvania has historically treated the daycare center population as a member of the "special population," rather than as a "special facility," as provided for in GM-EV2. Local emergency management agencies (EMAs) plans identified arrangements that have been made to provide emergency resources for this population. Consistent with the guidance in NUREG-0654/FEMA-REP-1 and other FEMA documents, local EMAs designate transportation pickup points for transportation-dependent residents. Local EMAs make arrangements with transportation concerns to obtain these resources (vehicles, drivers) necessary to transport the expected number of evacuees with provision for obtaining additional vehicles from higher levels of government as unmet needs. Local EMAs designate relocation centers outside of the EPZ for residents in the EPZ. (Actual evacuation experience indicates that relatively few people will use the designated facilities, but will instead opt for staying with friends and family outside of the EPZ.)

Under the Commonwealth's approach, a daycare facility which had not made facility-specific arrangements would have utilized the general arrangements that the local EMA had made for other special needs individuals (e.g., transportation-dependent, mobility-challenged) if an emergency had occurred. Accordingly, all daycare facilities, licensed and nonlicensed, public or private, profit or nonprofit, would have been provided for as would have been any other member of the public that had needed assistance with evacuation or other emergency needs. Although a facility-specific plan, or alternative, as recommended by GM-EV2, would likely have resulted in a more effective response, the absence of a facility-specific plan is not evidence that, if an emergency had occurred,

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<sup>3</sup> Title 55, Pennsylvania Code Chapters 3270, 3280, 3290 address various classes of child custodial facilities and provide standards to aid in protecting the health, safety, and rights of children and to reduce risks to children in daycare centers. The legislation was implemented in § 3270.21a (and in the corresponding sections in the other two chapters). See also, "CRS Report to Congress: Pennsylvania Emergency Management and Homeland Security Statutory Authorities Summarized," March 23, 2004.

<sup>4</sup> The Commonwealth of Pennsylvania is a "home rule" State in which governance is vested in local government entities (municipalities, boroughs, townships, counties, school districts, etc.) except where explicitly assigned to the State by statute. The Commonwealth has traditionally had statutory authority over public schools with regard to emergency preparedness.

there would have been an inability to provide adequate protective actions for the daycare center population, any more than it indicates an inability to provide adequate protective actions for other transportation-dependent or mobility-challenged individuals who reside within the EPZ.

The staff notes that, emergency preparedness, at its fundamental level, *is a risk-management tool* intended to reduce the consequences of a nuclear accident to the general public by reducing the radiation dose to the population. Emergency preparedness does not guarantee that every member of the public will be evacuated in the shortest possible time and receive the minimum possible dose in all circumstances.<sup>5</sup> It should also be noted that studies of actual evacuation events have not uncovered evidence that affected daycare facility populations were not adequately provided for during actual events *even in the absence of such dedicated resources*. FEMA, using its core competency and experience in responding to numerous natural and technological emergencies, had been able to reach the conclusion that the Commonwealth had established an appropriate emergency preparedness stature.

*Current Status.* In 2004, the Commonwealth enacted Senate Bill 922 (henceforth, “the Act”), which directed every custodial child care facility, in cooperation with the local EMA and PEMA, to develop and implement a comprehensive disaster response and emergency plan consistent with guidelines developed by PEMA. The Act required that plans be reviewed annually and updated as necessary and that a copy be provided to the local EMA. The DPW, the agency tasked with oversight of child custodial facilities, addressed these provisions in its regulations, including the following requirements: 1) capability of implementing a range of protective actions, 2) a method for contacting parents, 3) a documented annual review of the plan, 4) training for facility personnel on the plan, 5) parental letters explaining the plan and providing any update, and 6) provision of a copy of the plan and any updates to the local EMA. Letters were sent to the administrators of each licensed daycare facility describing their new obligations under the Act. Each of these letters contained a copy of a planning template created by PEMA (Enclosure 6 to this Commission paper).

These emergency planning requirements are integrated into DPW’s overall program of regulating daycare facilities. The department’s regulations apply to facilities in which out-of-home care is provided to four

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<sup>5</sup> As an example, in the statements of consideration for the final emergency preparedness regulations (45 FR 55407) the Commission noted (with regard to sirens): “The Commission recognizes that not every individual would necessarily be reached by the actual operation of the system under all conditions of system use.” Also, the ASLB in *Shoreham* [21 NRC 644] noted: “It was never the intent of the regulation to require directly or indirectly that state and local governments adopt extraordinary measures . . . just to deal with nuclear power plant accidents. The emphasis is on *prudent* [sic] risk reduction measures. The regulation does not require dedication of resources to handle every possible accident that can be imagined. The concept of the regulation is that there should be a core planning with sufficient planning flexibility to develop reasonable *ad hoc* [sic] response to those very serious low probability accidents which could affect the general public.”

or more children 15 years of age or younger. The emergency planning requirements within these regulations are specifically applicable to all licensed facilities be they public or private, profit or nonprofit.<sup>6</sup> A new facility is required to demonstrate that it has an emergency plan prior to licensure. Licensed daycare facilities are inspected annually. During the inspection DPW personnel confirm that the plan is in place and has been reviewed and updated annually and that all required elements are met. Sanctions are in place for noncompliance. The DPW regulations do not require participation in periodic drills or exercises. The DPW staff identified that 95% of the daycare facilities across the Commonwealth have developed the required plans and that all 90 licensed daycare facilities within the TMI EPZ have completed and submitted plans.

Although DHS has not assessed the adequacy of these facility-specific plans or the designated relocation centers, FEMA had previously found the previous planning structure provided reasonable assurance. The staff is of the opinion that the statutory and regulatory framework that has been established within the Commonwealth represents an enhancement over the previous planning approach discussed above and that these preparedness enhancements should similarly support a DHS continued finding of reasonable assurance

The Act and the DPW regulations do not address planning for nonlicensed daycare facilities. Because these nonlicensed facilities operate outside of Commonwealth purview and tend to be informal, temporary, and intermittent arrangements, the appropriate treatment of these facilities is as a segment of the general public that may need resources should a radiological emergency requiring public action occur. See the discussion above under "Previous Status" for a description of the planning for this population.

Petition Request A: All children attending daycare center and nursery schools within the EPZ are assigned to designated relocation centers established safely outside of the EPZ.

*Previous Status.* As noted in the General Comments above, the Commonwealth did not require that daycare facilities have facility-specific plans. Instead, the populations of daycare facilities were treated as members of the larger special needs population. Relocation centers were designated by State and local EMAs for use by all evacuees from the EPZ. The location of these facilities and the evacuation routes were distributed to the public in annual mailings to all residents and were made available through telephone directory inserts and transient area postings.

*Current Status.* DPW regulations require licensed daycare centers to have an emergency plan. In August 2003, PEMA prepared and issued a

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<sup>6</sup> 55 Pa. Code §3270.3(a) provides in part: "This chapter applies to facilities in which out-of-home care is provided . . . including . . . (2) Care provided in private or public, profit or nonprofit facilities. . ."



template plan entitled “Day Care Facilities Emergency Planning Guide (henceforth “DCFEPG”)(Enclosure 6 to this Commission paper). The DCFEPG requires the plan to identify relocation centers outside of the facility and requires the daycare center to ensure that the designated relocation center is expecting the children and staff and would be able to protect them until the emergency has past and the children’s parents can pick them up. The DCFEPG also requires that daycare facilities within the EPZ of a nuclear power plant coordinate with their local EMA to ensure that their facility plans fit into the larger plans that are maintained for the entire EPZ. Section 4 of the Basic Emergency Plan (within the DCFEPG) requires the daycare facility director to obtain letters of agreement with relocation facility providers and ensure that they are current. The regulations require the facility operator to forward a copy of the facility emergency plan and subsequent updates to the county EMA.

Thus, the intent of this petition request is satisfied in Pennsylvania by the Commonwealth’s statutory and regulatory daycare licensure and emergency planning requirements. The staff believes that daycare facility plans developed consistent with these requirements meet applicable Federal regulations and expects that DHS would evaluate this planning as part of normal periodic oversight of offsite planning.

Petition Request B: All children attending daycare center and nursery schools within the EPZ are provided with designated transportation to a relocation center in the event of an emergency evacuation.

*Previous Status.* As noted in the General Comments above, the Commonwealth did not require that daycare facilities have facility-specific plans. Instead, the populations of daycare facilities were treated as members of the larger special needs population. The local EMAs have designated transportation pickup points within their jurisdictions for persons who lack transportation. The location of these facilities and the evacuation routes were distributed to the public in annual mailings to all residents and were made available through telephone directory inserts and transient area posting. In addition, in the annual mailers, residents were requested to identify any special needs they would have in the event of an evacuation such as lack of transportation, need for ambulances, etc. Daycare facility operators had the option of identifying their needs as would any other segment of the special population. The local EMA tabulated these needs. From this tabulation, the local EMA identified its transportation needs, compared those needs against resources under its control, and identified any unmet needs to the next level of government. These needs and resources are documented in the Notification and Resource Manual (NARM) that each EMA (local, county, and State) maintains.

*Current Status.* The DCFEPG requires the plan to identify transportation resources that the center will rely upon to move children and staff to a relocation center and requires the facility operator to identify the vehicle

resources that the facility would use and identify the drivers that the facility would use and their contact information. Specialized needs (e.g., ramps, lifts) are to be identified. Attachment 2 to the basic plan is a tabulation of this transportation information. The DCFEPG recommends that the daycare facility make its own transportation arrangements, but does note that, as a last resort, the local EMA may be able to help. Section 4 of the Basic Emergency Plan (within the DCFEPG) requires the daycare facility director to obtain letters of agreement with transportation providers and ensure that they are current. If the local EMA issues such a letter of agreement to provide transportation, the local EMA will reflect that need in its NARM.

Thus, the intent of this petition request is satisfied by the Commonwealth's statutory and regulatory daycare licensure and emergency planning requirements. The staff believes that daycare facility plans developed consistent with these requirements meet applicable Federal regulations and expects that DHS would evaluate this planning as part of normal periodic oversight of offsite planning.

Petition Request C: All children attending daycare center and nursery schools within the EPZ are 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 feet 9 inches in height.

As noted in the petition denial, requiring seat belts or child safety seats on school buses, which may be used for evacuating schools, is outside NRC statutory authority. The staff does note that the DPW does have requirements for safety restraints in vehicles used by the daycare facilities for transporting children.

Petition Request D: Regulations should require the creation and maintenance of working rosters of emergency bus drivers and backup drivers for daycare center and nursery school 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 backup driver listed for each vehicle and route.

*Previous Status.* As noted in the General Comments above, the Commonwealth did not require that daycare facilities have facility-specific plans. Instead, the populations of daycare facilities were treated as members of the larger special needs population. The local EMAs tabulated, in their NARMs, transportation needs and resources, and the local EMA plans have included letters of agreements with these providers. If the demand for transportation had exceeded the available resources during a radiological emergency, the local EMA would have expressed its unmet needs to the next level of government, and so forth, until the unmet need was met. (Note that Pennsylvania statutes require that schools and universities make school buses and other vehicles available for planning, exercises, and evacuations.)



*Current Status:* As noted in response to Petition Request B, the daycare facility operators are required to identify the resources, including the owner of the vehicle, the driver of the vehicle and contact information for both, that they would need to effect necessary evacuations of children and staff. Accordingly, a roster is available in the facility plan. The Commonwealth's regulations do not require that the daycare facility operator provide for backup drivers. If, during an emergency, one of the expected vehicles (or drivers) is unavailable, the daycare facility could request assistance from the local EMA. The local EMA would meet that request, as it would a similar request from any transportation-dependent resident, from the vehicle resources identified in its NARM or by elevating the vehicle need to the next level of government.

Thus, the intent of this petition request is satisfied by the Commonwealth's statutory and regulatory daycare licensure and emergency planning requirements. The staff believes that daycare facility plans developed consistent with these requirements meet applicable Federal regulations and expects that DHS would evaluate this planning as part of normal periodic oversight of offsite planning.

Petition Request E: Regulations should require notification of emergency management officials by individual preschools as to the details of each institution's radiological emergency plan.

*Previous Status.* As noted in the General Comments above, the Commonwealth did not require that daycare facilities have facility-specific plans. Instead, the populations of daycare facilities were treated as members of the larger special needs population. Accordingly, this petition request would have been moot.

*Current Status:* Pennsylvania statutes require a copy of all school and daycare facility plans to be provided to the county EMA. This is implemented in DPW regulation, which requires that the daycare facility operator send a copy of its facility-specific emergency plan and subsequent plan updates to the county EMA. Further, the DCFEPG requires daycare facilities within the EPZs to ensure that the facility's plans fit into the larger plans that are maintained for the entire EPZ. Section 6 of the basic plan template (part of DCFEPG) requires the facility operator to identify the local EMA to which it provided a copy of the plan. Section 7 of the basic plan is a concurrence page which requires the signature of the local EMA.

Thus, the intent of this petition request is satisfied by the Commonwealth's statutory and regulatory daycare licensure and emergency planning requirements. The staff believes that daycare facility plans developed consistent with these requirements meet applicable Federal regulations and regulatory guidance and expects that

DHS would evaluate this planning as part of normal periodic oversight of offsite planning.

Petition Request F: Regulations should require annual site inspections of daycare centers and nursery schools within the evacuation zone by emergency management officials.

As noted in the petition denial, inspection of daycare centers and nursery schools is the responsibility of the individual State and is outside NRC statutory authority. The staff does note that the DPW regulations provide that a daycare facility certificate of compliance is issued for a period of 12 months from the date of issue and that the facility will be inspected at least once every 12 months by an agent of the DPW. DPW personnel explained to the staff that facility emergency plan is part of the required inspection. During this inspection, the DPW agent confirms that the plan is current and that all required elements are addressed by the plan.

Petition Request G: Regulations should require participation of daycare centers and nursery schools within the EPZ in radiological emergency preparedness exercises designed to determine each institution's state of readiness.

*Previous Status.* As noted in the General Comments above, the Commonwealth did not require that daycare facilities have facility-specific plans. Instead, the populations of daycare facilities were treated as members of the larger special needs population. During exercises, the local EMA staffs were required to demonstrate (by interview or simulation), within the context of their approved plans, their capability to provide adequate protective measures for this population. This capability has been a required element of FEMA exercises and is currently addressed in the FEMA Exercise Evaluation Manual (EEM) in Sub-elements 2.c, 3.c, specific to special populations, and generally in Sub-elements 3.b, 3.d, 3.e, 3.f, 5.a, 5.b, 6.a, and 6.c. FEMA evaluated the local EMA capability to implement protective actions for all segments of the population during periodic graded exercises. More specifically, during the May 2005 exercise at TMI, FEMA did evaluate the local EMA and States against those subelements (as well as others), in the context of the existing plans and procedures.

*Current Status:* The DPW regulations do not require the daycare centers to participate in exercises of their emergency plans. The DCFEPG does state that exercises, drills, and tests are vital parts of the daycare facility staff training. Section 3 of the Basic Plan (part of the DCFEPG) also provides for regular drills and exercises. As noted in the DCFEPG, a radiological emergency would not cause a different response from a daycare facility than would any of the natural or technological hazards the daycare facility plans are required to address.

The extent of play for FEMA EEM Criterion 3.c.2, which addresses school participation in exercises, makes the criterion applicable to daycare

centers that participate in REP exercises pursuant to the local EMA's plans and procedures. In keeping with the Commission direction to provide recommendations for enhancement, the staff intends to work with DHS to consider program enhancements, as necessary, that will better evaluate the preparedness for this segment of the population on an appropriate periodic basis.

Petition Request H: Regulations should require creation of identification cards, school attendance lists, and fingerprint records for all children who are to be transported to a relocation center, to ensure no child is left behind or is unable, due to age, to communicate his or her contact information to emergency workers.

As noted in the petition denial, FEMA, as the authority on offsite planning, has determined that it is unnecessary to require such detailed mechanisms to be a component of emergency plans. The staff notes that the DPW regulations provide several provisions regarding supervision and accountability of children in daycare facilities and during off-premise excursions. The regulations also require that parental contact information be in the possession of facility staff accompanying the excursion.

Petition Request I: Regulations should require 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.

*Previous Status.* As noted in the General Comments above, the Commonwealth did not require that daycare facilities have facility-specific plans. Instead, the populations of daycare facilities were treated as members of the larger special needs population. The local EMA plans provide for annual emergency planning information mailings to all residents and inclusion of similar information in telephone directory inserts and transient area posting. These information methods identify the relocation centers, evacuation routes, and the transportation pickup locations. The plans also provide the capability for Emergency Alert System (EAS) messages that provide necessary messages to the public within the EPZ, supplemented by a public information program via the news media. The staff does note that these information means would not have addressed the petition request, but the information would have been consistent with the plans and procedures as they existed at the time.

*Current Status:* DPW regulations require the daycare facility operator to provide 1) a method for notifying parents as soon as possible when an emergency arises, 2) a method for facility persons to inform parents that the emergency is over and instruction how they can be reunited with their children, 3) a letter to the parents explaining the emergency procedures in the plan and any subsequent update, and 4) a conspicuously posted copy of the plan. The DCFEPG expands on these regulations, requiring

for example, that emergency contact information for each child be taken to the relocation location to facilitate parental contact. The DCFEPG provides a template of a parental information letter.

Thus, the intent of this petition request is satisfied by the Commonwealth's statutory and regulatory daycare licensure and emergency planning requirements. The staff believes that daycare facility plans developed consistent with these requirements meet applicable Federal regulations and expects that DHS would evaluate this planning as part of normal periodic oversight of offsite planning.

Petition Request J: Regulations should require stocking of potassium iodide (KI) pills and appropriate educational materials at all daycare centers and nursery schools within the EPZ.

As noted in the petition denial, the NRC regulations only require the States to *consider* using KI. Once a State decides to stockpile KI, it is incumbent on that State to develop a program for distribution. Within the Commonwealth, the State Department of Health coordinates the distribution of KI to those residents or school systems that request the pills. Schools are not allowed to distribute the pills to children without parental consent. DHS evaluates the Commonwealth's plans for distribution of KI to the public. This capability was successfully demonstrated by simulation during the TMI exercise.

Petition Request K: Regulations should require radiological emergency preparedness training for all daycare center and nursery school employees within the EPZ.

As noted in the petition denial, the Commission believes that specialized training for daycare center and nursery school employees is unnecessary because they would be using already established and distributed procedures for evacuation. The staff notes that the DPW regulations require that the facility operator ensure that each facility person receives initial and periodic training regarding the facility's emergency plan. The DCFEPG requires that the plan describe the training program. This training is on the content of the facility plan and is not limited to discussion of evacuation.

Petition Request L: Regulations should require 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.

*Previous Status.* As noted in the General Comments above, the Commonwealth did not require that daycare facilities have facility-specific plans. Instead, the populations of daycare facilities were treated as members of the larger special needs population. The location of the relocation facilities and the evacuation routes are distributed to the public

in annual mailings to all residents and are made available through telephone directory inserts and transient area posting.

*Current Status:* The DPW regulations require the daycare facility operator to provide 1) a method for facility persons to inform parents that the emergency is over and how they can be reunited with their children, 2) a letter to the parents explaining the emergency procedures in the plan and any subsequent update, and 3) a conspicuously posted copy of the plan. The DCFEPG provides a template of a parental information letter.

Thus, the intent of this petition request is satisfied by the Commonwealth's statutory and regulatory daycare licensure and emergency planning requirements. The staff believes that daycare facility plans developed consistent with these requirements meet applicable Federal regulations and expects that DHS would evaluate this planning as part of normal periodic oversight of offsite planning.

Petition Request M: Regulations should require 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 EPZ.

*Previous Status.* As noted in the General Comments above, the Commonwealth did not require that daycare facilities have facility-specific plans. Instead, the populations of daycare facilities were treated as members of the larger special needs population. The State and local EMAs distributed emergency planning information to the public within the EPZ via annual mailings to residents, telephone directory inserts, and transient area posting. This information included relocation facility assignments, evacuation routes, instructions on what to do when sirens sound, etc. Included were telephone contact numbers.

*Current Status:* The DPW regulations require the daycare facility operator to provide 1) a method for facility persons to inform parents that the emergency is over and how they can be reunited with their children, 2) a letter to the parents explaining the emergency procedures in the plan and any subsequent update, and 3) a conspicuously posted copy of the plan. The DCFEPG provides a template of a parental information letter.

Thus, the intent of this petition request is satisfied by the Commonwealth's statutory and regulatory daycare licensure and emergency planning requirements. The staff believes that daycare facility plans developed consistent with these requirements meet applicable Federal regulations and expects that DHS would evaluate this planning as part of normal periodic oversight of offsite planning.

Petition Request N: Regulations should require creation of written scripts for use by the local Emergency Alert System (EAS) that include information about evacuation plans and designated relocation centers for daycare centers and nursery schools.

As noted in the petition denial, FEMA has decided that it is unnecessary to incorporate such a prescriptive requirement into its regulations and guidance. In the Commonwealth, the State emergency operations center (EOC) provides the EAS message that the local EMAs will release at the time that the alert and notification system is sounded.

The staff notes that, consistent with FEMA guidance, EAS messages are intentionally short, intended to only alert the public of the need to consult their emergency planning information packets (or the telephone book insert, and to stay tuned for further information. Keeping the messages brief facilitates public understanding and allows the messages to be repeated in their entirety several times in the short period that people are responding to the sirens and turning on their radios or TVs. Lengthy detailed messages are generally misunderstood. EAS messages do not take the place of emergency information in the annual mailers or the telephone directory inserts (or in the case of daycare facilities and schools, the required parental information packets), which are the best vehicles to disseminate detailed information.

## RECOMMENDATIONS

Based upon the information collected regarding emergency preparedness for daycare centers within Pennsylvania as discussed above, the staff has found no sufficient basis to question the adequacy of the DHS findings regarding reasonable assurance. The staff believes that the DHS findings are consistent with the planning standards of 10 CFR § 50.47(b) and the existing memorandum of understanding between NRC and DHS.

As noted above in the staff's response to petition request Item #G, the current DHS exercise evaluation methodology extent of play does not require that licensed daycare facilities participate in periodic exercises. The staff will work with DHS to consider program enhancements, as necessary, that will better evaluate the preparedness for this segment of the population on an appropriate periodic basis.