



COMMONWEALTH OF PENNSYLVANIA
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October 3, 2003

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

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

**Re: Petition for Rulemaking dated September 4, 2003 by
Lawrence T. Christian, Docket No. PRM-50-79 / 67 FR 66588**

Dear Secretary:

Please be advised that the Commonwealth of Pennsylvania hereby withdraws its January 10, 2003 Comments to the above-referenced Petition for Rulemaking that were received and docketed by the Commission on January 17, 2003 (11:16AM). The Commonwealth submits revised Comments as follows.

Pennsylvania strongly supports the development of "all hazards" emergency plans for child day care facilities and nursery schools throughout the state. In addition to the unlikely event of a dangerous incident at a nuclear power facility, those facilities entrusted with the care and supervision of our preschool aged children must be prepared to deal with the threats posed by fire, floods, tornadoes, chemical spills, and/or other emergency incidents.

Pennsylvania believes that state and local governments are best able to ensure that child day care facilities and nursery schools within their borders engage in proper emergency preparedness planning. As such, the Commonwealth and its constituent departments and agencies have taken the following steps:

1. The Pennsylvania Department of Public Welfare (DPW) wrote to every child-care provider across the state and asked that they contact their county Emergency Management Agency for assistance in developing an appropriate emergency preparedness plan.

2. Complimenting DPW's efforts, the Pennsylvania Emergency Management Agency (PEMA) developed and sent "model" emergency preparedness plans to the local Emergency Management Agencies for schools and child-care facilities that can be used to assist child-care providers in developing their own, individually tailored plans. Accordingly, DPW will soon be sending the same plans to the providers.

Template = SECY-067

SECY-02

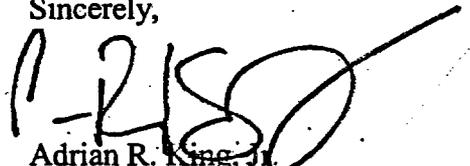
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3. DPW is in the final stages of a review of all of the Department's regulations applicable to licensed and registered child-care facilities. As part of this review, DPW will broaden administrative and regulatory emergency planning requirements to include appropriate "all hazards" preparedness plans.

4. Finally, the Pennsylvania Governor's Office, DPW and PEMA have been working with the state legislature to develop a permanent statutory solution to this issue. Legislation that requires child day care facilities and nursery schools to develop and implement comprehensive, all hazards disaster response and emergency preparedness plans has been drafted and is now making its way through the legislative process. It is anticipated that the legislation will ultimately be passed.

In closing, the Commonwealth believes that it should take the lead in ensuring the safety of its preschool aged children, and that emergency planning requirements be aimed at protecting against ALL threats and hazards that exist, regardless of whether they are natural or man made. The Commonwealth appreciates the opportunity to submit these revised comments, and would be happy to answer any questions that the Commission may have.

Sincerely,



Adrian R. King, Jr.
Special Assistant to the Governor

cc: Governor Edward G. Rendell
David Sanko, Director, Pennsylvania Emergency Management Agency
Estelle B. Richman, Secretary, Department of Public Welfare