

June 21, 2006

MEMORANDUM TO: Luis A. Reyes
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS - SECY-06-0101 - EMERGENCY PREPAREDNESS FOR DAYCARE FACILITIES WITHIN THE COMMONWEALTH OF PENNSYLVANIA; UPDATE ON STAFF ACTIONS AND REQUEST FOR COMMISSION APPROVAL FOR RELATED STAFF ACTIONS

The Commission has approved issuance of a corrected denial of the petition for rulemaking and letter to the petitioners, subject to the comments and changes noted below.

The staff should specifically pursue an increased NRC participation in defining the extent of play for FEMA exercises during revision of the NRC/FEMA Memorandum of Understanding (MOU). The staff should inform the Commission of the outcome of its efforts related to revision of the MOU.

Agency senior management should work diligently to resolve the Differing Professional Opinion filed in relation to this petition and should inform the Commission of the final disposition when it is completed.

Changes to the *Federal Register* notice

1. Throughout the FRN, separate "day care" into two words.
2. Page 2, last paragraph, revise line 2 to read ' ... (FEMA), **now part of the U.S. Department of Homeland Security (DHS)**, to lead'
3. Page 3, revise line 8 from the top to read ' ... FR 20580 **dated** ~~dt~~ April'
4. Page 4, last paragraph, revise lines 6 and 7 to read ' ... may prepare. ~~All~~**E**mergency response is **intended to be primarily** local; the'
5. Page 5, 1st full paragraph, revise line 9 to read ' ... ~~DHS (previously FEMA)~~ **FEMA (now part of DHS)** to review, evaluate,' Revise line 11 to read ' ... acceptable to DHS **(previously FEMA)** for showing' Revise line 14 to read ' ... basis for **FEMA** ~~DHS~~ to determine' Revise line 16 to read ' ... review of the **FEMA** ~~DHS~~ findings.'

SECY NOTE: This SRM and the Commission Voting Record will be released to the public 5 working days after dispatch of the letter to the petitioner.

6. Page 13, 1st full paragraph, revise line 1 to read 'FEMA (now part of DHS) is the lead'
7. Page 14, 1st full paragraph, revise line 3 to read ' ... (p. 5) that specifies that evacuation ...' Revise lines 6 and 7 to read ' ... school officials, including daycare centers and nursery schools, should'
8. Page 14, revise the last line to read ' ... FEMA (now part of DHS) is the'
9. Page 15, revise line 2 from the top to read ' ... school officials, including daycare centers and nursery schools, should'
10. Page 16, 1st full paragraph, revise line 4 to read '... school officials, including licensed and government supported pre-schools and daycare centers,' Revise line 10 to read ' ... to FEMA's (now part of DHS)'
11. Page 16, last paragraph, revise line 1 to read ' ... and FEMA (now part of DHS) requirements' Revise the last line to read ' ... school systems, including day care centers and nursery schools, within the'
12. Page 17, 2nd full paragraph, revise line 5 to read ' ... school officials, including daycare centers and nursery schools, should'
13. Page 19, 1st full paragraph (NRC Review), revise line 6 to read ' ... to FEMA (now part of DHS)' Revise line 8 to read ' ... school systems, including daycare centers and nursery schools, within the' Revise lines 9 and 10 to read ' ... school officials (including licensed and government supported pre-schools and daycare centers) address'
14. Page 19, revise the last line to read ' ... FEMA (now part of DHS), as'
15. Page 20, last paragraph, revise line 9 to read ' ... FEMA (now part of DHS) under'
16. Page 22, 2nd full paragraph (NRC Review), revise line 3 to read ' ... FEMA (now part of DHS) has decided'

Changes to the letter to the petitioners

17. Page 2, paragraph 2, revise line 1 to read ' ... 50, as supported amplified by'
18. Page 2 paragraph 3, revise line 2 to read ' ... evaluated by DHS (previously FEMA). The plans'

cc: Chairman Diaz
Commissioner McGaffigan
Commissioner Merrifield
Commissioner Jaczko
Commissioner Lyons
OGC
CFO
OCA
OPA
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR