

**PR 50 and 52  
(74FR23253)**

# PUBLIC SUBMISSION

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Emergency Preparedness

**Comment On:** NRC-2008-0122-0010  
Enhancements to Emergency Preparedness Regulations

**Document:** NRC-2008-0122-DRAFT-0019  
Comment on FR Doc # E9-10947

DOCKETED  
USNRC

May 19, 2009 (2:00pm)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

## Submitter Information

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Juno Beach, FL, 33408

**Organization:** FPL

**Government Agency Type:** Federal

**Government Agency:** NRC

## General Comment

Considering this is the most substantial change to the Emergency Preparedness regulations since Three Mile Island, a short comment period of 75 days is not practical nor desirable.

The comment period should be doubled to 150 days considering the broad scope of the changes and it's area of impact.

FPL supports the extention request provided by NEI (see attached).

## Attachments

**NRC-2008-0122-DRAFT-0019.1:** Comment on FR Doc # E9-10947

*Template = SECY-067*

*DS 10*



NUCLEAR ENERGY INSTITUTE

Alan P. Nelson  
DIRECTOR  
EMERGENCY PREPAREDNESS  
NUCLEAR GENERATION DIVISION

May 18, 2009

Secretary U.S. Nuclear Regulatory Commission Washington, DC 20555-0001	Office of General Counsel Federal Emergency Management Agency Room 835 500 C Street, SW Washington, DC 20472
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**ATTN:** Rulemakings and Adjudications Staff

**Subject:** Request for Comment Period Extension

On May 18, 2009, the U.S. Nuclear Regulatory Commission (NRC) published a proposed rule amending its emergency planning and preparedness regulations in 10 CFR Part 50. See *74 Fed. Reg. 23,254*, May 18, 2009. In addition, both NRC and the Federal Emergency Management Agency (FEMA) published related guidance for public comment on the same date. See *74 Fed. Reg. 23,219, 23,220, 23,221, 23,198*. Public comments on the NRC's proposed rule and supporting guidance are currently due by August 3, 2009, and draft Reg. Guide DG-1237 by September 1, 2009.

For the following reasons, the Nuclear Energy Institute (NEI)<sup>1</sup> requests that the NRC and FEMA extend the comment period for this important rulemaking and the related guidance until approximately October 16, 2009.

Notably, this rulemaking is the first substantive amendment of NRC Emergency Planning and Preparedness requirements in nearly twenty-five years. The proposed rule codifies existing requirements that are currently imposed by NRC Orders, and also proposes enhancements to current requirements. These modifications to the existing emergency planning regulations merit careful stakeholder scrutiny. Along with the proposed rule provisions, stakeholders will also need

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<sup>1</sup> NEI is the organization responsible for establishing unified industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all entities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, nuclear materials licensees, and other organizations and entities involved in the nuclear energy industry.

Secretary, U.S. Nuclear Regulatory Commission  
Office of General Counsel, Federal Emergency Management Agency  
March 18, 2009  
Page 2

time to review and evaluate the supporting regulatory guidance developed by both FEMA and the NRC, which is relevant to both the onsite and offsite response organizations (who are viewing this material for the first time). Collectively, the rulemaking material and the guidance are voluminous, totaling approximately 600 pages.

The proposed regulatory amendments and guidance documents cover many significant legal, regulatory and policy matters that will require extensive review by NRC licensees and their offsite counterparts. Moreover, in many cases it will be necessary for the industry to engage their offsite counterparts, including state, county, and local government representatives; local law enforcement agencies; and fire/medical rescue personnel, in order to fully understand the new requirements proposed in the rule, as well as the new information presented in the implementing guidance.

Additionally, as mentioned above, FEMA also published guidance documents for comment. See *74 Fed. Reg. 23,198* (May 18, 2009). Many stakeholders will need additional time to adequately review and discuss this new guidance, which will necessarily include consideration of how adherence to both NRC and FEMA guidance will be coordinated. Cross-cutting areas of coordination include offsite response organization responsibilities, determination of reasonable assurance, evacuation time estimates, alert and notification system criteria, new exercise criteria, and implementation schedules. Moreover, the proposed changes and guidance documents will have to be analyzed by each affected organization to identify impacts to their respective programs (including the cross-cutting impacts between onsite and offsite), pinpoint implementation challenges, and formulate informed comments.

For all of these reasons, NEI respectfully requests that the NRC and FEMA extend the public comment period on the emergency preparedness rulemaking and the related guidance, from **75 to 150** days, which would make public comments due on or around October 16, 2009.

Should you require additional information relating to this request for extension, please contact Martin Hug (202) 739-8029; [mth@nei.org](mailto:mth@nei.org) or me.

Sincerely,



Alan P. Nelson

## **Rulemaking Comments**

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**From:** Carol Gallagher  
**Sent:** Tuesday, May 19, 2009 11:47 AM  
**To:** Rulemaking Comments  
**Subject:** Request for extension of comment period  
**Attachments:** mothena.pdf

Attached for docketing is a request for extension of comment period on the proposed rule "Enhancements to Emergency Preparedness Regulations" that was published 5/18/2009 at 74 FR 23253.

Carol

Received: from HQCLSTR01.nrc.gov ([148.184.44.79]) by OWMS01.nrc.gov  
([148.184.100.43]) with mapi; Tue, 19 May 2009 11:46:49 -0400  
Content-Type: application/ms-tnef; name="winmail.dat"  
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From: Carol Gallagher <Carol.Gallagher@nrc.gov>  
To: Rulemaking Comments <Rulemaking.Comments@nrc.gov>  
Date: Tue, 19 May 2009 11:46:49 -0400  
Subject: Request for extension of comment period  
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