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Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

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.

The Commonwealth of Virginia Department of Emergency Management (VDEM) 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 scrutiny. Along with the proposed rule provisions, VDEM will also need time to review and evaluate the supporting regulatory guidance developed by both FEMA and the NRC. Collectively, the rulemaking material and the guidance are voluminous, totaling approximately 600 pages.

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The proposed regulatory amendments and guidance documents cover many significant legal, regulatory, and policy matters that will require extensive review by the licensee, VDEM, as well as the risk jurisdictions within the emergency planning zone of North Anna and Surry Power Stations.

Additionally, as mentioned above, FEMA also published guidance documents for comment. See 74 Fed. Reg. 23,198 (May 18, 2009). The VDEM 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.

For all of these reasons, the VDEM 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 Art Warren at (804) 897-6500 ext. 6587 or art.warren@vdem.virginia.gov.

Sincerely,



Michael M. Cline

C: Paul Serra, Dominion
George Urquhart, VDEM