



PR 50 and 52  
(74FR23253)

Mark Parkinson, Governor  
Roderick L. Bremby, Secretary

DEPARTMENT OF HEALTH  
AND ENVIRONMENT

[www.kdheks.gov](http://www.kdheks.gov)

May 26, 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

DOCKETED  
USNRC

June 4, 2009 (2:15pm)

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 Kansas Department of Health and Environment Radiation Control Program requests that the NRC and FEMA extend the comment period for this important rulemaking and the related guidance to **150** days from publication. The proposed rulemaking will have significant impacts on state and local programs and as such the **75** days provided in the Federal Register Notice is not adequate for stakeholders to properly review the significance of these impacts on state and local programs. The reasons for this request are outlined below.

This rulemaking is the first significant change to NRC Emergency Planning and Preparedness requirements since the mid 1980s. The proposed rule codifies existing requirements that are currently imposed by NRC Orders, and also proposes additional enhancements to current requirements.

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These amendments to the existing emergency planning regulations require careful stakeholder scrutiny. Along with the proposed rule provisions, stakeholders will also need 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. While the proposed rule changes and enhanced guidance have been in the development process for several years, it is important to recognize and appreciate that many stakeholders will be evaluating the 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 offsite emergency planners, radiation control programs and state and local health departments. The organizations will need to interact with onsite personnel in order to fully understand and evaluate the broad impact on the REP program from both an onsite and offsite perspective. It will be necessary for state, county and tribal response agencies to meet with their industry counterparts in order to fully assess the direct impacts on response plans and to determine the most effective means for implementing change. Due to the nature of the proposed changes and the implementation procedures, it will be necessary to extend the interaction to a much wider scope of offsite organizations than has been required in the past. Both the NRC and FEMA must consider the status of the nation's economy and the impact it has had on resources at every level. NRC and FEMA must recognize that all levels of state, county and local government are continually challenged by dwindling resources and increased mandates.

Additionally, 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 not just to their respective programs but need to include those cross-cutting impacts between onsite and offsite. Each organization will need time to identify and discuss implementation challenges and then formulate comprehensive comments to provide to NRC and FEMA.

For all the reasons stated previously, the Kansas Department of Health and Environment Radiation Control Program urges you to reconsider the deadline for comments on all the documents associated with the rulemaking outlined in the opening paragraph. Seventy five days is an insufficient amount of time for the extensive work that is required to provide adequate and meaningful feedback.

Secretary, U.S. Nuclear Regulatory Commission  
Office of General Counsel, Federal Emergency Management Agency  
May 26, 2009  
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Should you require additional information relating to this request for extension, please contact Kim Steves of my staff at (785) 296-4359 or [ksteves@kdheks.gov](mailto:ksteves@kdheks.gov).

Sincerely,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned below the word "Sincerely,".

Thomas A. Conley, CHP  
Chief, Radiation and Asbestos Control Program