



North Carolina Department of Crime Control and Public Safety
Division of Emergency Management

Beverly Eaves Perdue, Governor
Reuben F. Young, Secretary

H. Douglas Hoell, Jr., Director

May 22, 2009

PR 50 and 52
(74FR23253)

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

DOCKETED
USNRC

June 10, 2009 (10:09am)

Office of General Counsel
Federal Emergency Management Agency, Room 835
500 C Street, SW
Washington, DC 20472

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

ATTN: Rulemakings and Adjudications Staff

Subject: Request for Comment Period Extension

The state of North Carolina respectfully requests that the NRC and FEMA extend the public comment period on the emergency preparedness rulemaking and the related guidance, NRC document number NRC2008-0122 and FEMA document FEMA-2008-0022, from 75 to 180 days. Public comments will be due on or about November 12, 2009 with this extension. This request also mirrors the Nuclear Energy Institute (NEI) May 18, 2009 request for comment period extension.

The 75 day comment period specified is insufficient for state and local response organizations to properly review, analyze and determine the impact of the proposed changes. The posted Radiological Emergency Planning (REP) Manual is not formatted to support expeditious review as the changes and modifications are not clearly identified or highlighted. The 366 pages of material are very detailed and contain significant changes that will have a direct impact on the preparedness program. The additional requirement for implementation of Homeland Security Exercise Evaluation Program (HSEEP) and National Incident Management System (NIMS) on the REP Program will have a significant impact and will take several weeks to identify the cost for compliance with the new requirements. The proposed changes will have a significant impact on State, County and Local governments and the additional time is necessary to consider the impacts of these changes.

The NRC rulemaking is the first substantive amendment of NRC Emergency Planning and Preparedness requirements in more than twenty-five years. The proposed rulemaking will codify 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

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Comment Period
May 22, 2009

stakeholder scrutiny. Along with the proposed rule provisions, stakeholders will also need time to review the NRC & FEMA documentation and fully evaluate the new supporting regulatory guidance developed by 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.

Any quality review of new guidance must 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.

Please contact my REP Program Manager, Stephen Payne at 919-715-0170 should you require additional information relating to this request for extension.

Sincerely,



H. Douglas Hoell, Jr.
Director

HDH:sgp

PUBLIC SUBMISSION

As of: June 10, 2009
Received: June 08, 2009
Status: Pending_Post
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Comments Due: June 17, 2009
Submission Type: Web

Docket: NRC-2008-0122
Emergency Preparedness

Comment On: NRC-2008-0122-0023
Draft OMB Supporting Statement

Document: NRC-2008-0122-DRAFT-0029
Comment on FR Doc # N/A

Submitter Information

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Organization: North Carolina Division of Emergency Management

Government Agency Type: State

General Comment

The 75 day comment period specified is insufficient for state and local response organizations to properly review, analyze and determine the impact of the proposed changes. The posted Radiological Emergency Planning (REP) Manual is not formatted to support expeditious review as the changes and modifications are not clearly identified or highlighted. The 366 pages of material are very detailed and contain significant changes that will have a direct impact on the preparedness program. The additional requirement for implementation of Homeland Security Exercise Evaluation Program (HSEEP) and National Incident Management System (NIMS) on the REP Program will have a significant impact and will take several weeks to identify the cost for compliance with the new requirements. The proposed changes will have a significant impact on State, County and Local governments and the additional time is necessary to consider the impacts of these changes.

Attachments

NRC-2008-0122-DRAFT-0029.1: Comment on FR Doc # N/A

Comments, Rulemaking

From: Gallagher, Carol
Sent: Wednesday, June 10, 2009 9:41 AM
To: Comments, Rulemaking
Subject: Request for extension of comment period
Attachments: hoell.pdf

Attached for docketing is a request for extension of comment period on the proposed rule "Enhancements to Emergency Preparedness Regulations" that was published 5/18/09 at 74 FR 23253.

Carol

Received: from HQCLSTR01.nrc.gov ([148.184.44.76]) by TWMS01.nrc.gov
([148.184.200.145]) with mapi; Wed, 10 Jun 2009 09:41:24 -0400
Content-Type: application/ms-tnef; name="winmail.dat"
Content-Transfer-Encoding: binary
From: "Gallagher, Carol" <Carol.Gallagher@nrc.gov>
To: "Comments, Rulemaking" <Rulemaking.Comments@nrc.gov>
Date: Wed, 10 Jun 2009 09:41:22 -0400
Subject: Request for extension of comment period
Thread-Topic: Request for extension of comment period
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Accept-Language: en-US
Content-Language: en-US
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X-MS-Exchange-Organization-SCL: -1
X-MS-TNEF-Correlator:
<83F82891AF9D774FBBB39974B6CB134F94679A13E5@HQCLSTR01.nrc.gov>
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