

2009 SEP 15 PM 2:13

Martin Hug  
SENIOR PROJECT MANAGER,  
EMERGENCY PREPAREDNESS

RECEIVED

September 15, 2009

**VIA ELECTRONIC MAIL**

Mr. Christopher G. Miller  
Deputy Director for Emergency Preparedness  
U.S. Nuclear Regulatory Commission  
Mail Stop TWB-05-B01M  
Washington, DC 20555-0001

8/24/09  
74 FR 42699  
2

Subject: REQUEST FOR EXTENSION OF COMMENT PERIOD, Draft Revision 1,  
RIS-2005-02, "Clarifying the Process for Making Emergency Plan Changes"  
[NRC-2009-0365]

**NRC Project Number: 689**

Dear Mr. Miller:

On August 24, 2009, the NRC published in the *Federal Register* a notice of issuance and availability for public comment of Draft Revision 1 to Regulatory Issue Summary (RIS) 2005-02, "Clarifying the Process for Making Emergency Plan Changes." 74 Fed. Reg. 42,699. The notice requested comments on this draft RIS by October 8<sup>th</sup>, 2009.

On May 18, 2009, the NRC published in the *Federal Register* a proposed rule ("Enhancements to Emergency Preparedness Regulations," NRC-2008-0122) that would amend numerous requirements relating to emergency preparedness in NRC regulations. The proposed amendments will affect both existing (operating) reactors and future NRC-licensed reactors. NRC also published for comment Draft Regulatory Guide (DG) 1237, "Guidance on Making Changes to Emergency Response Plans for Nuclear Power Reactors." Comments on the proposed rule and DG-1237 are currently due by October 19<sup>th</sup>, 2009.

As part of this ongoing NRC rulemaking to revise emergency planning requirements, the NRC is proposing to amend the emergency plan change process in 10 CFR 50.54(q). See 74 Fed. Reg. 23,265-23,267. The discussion of this topic in the proposed rule explicitly references RIS-2005-02 and the agency's existing process for making changes to approved emergency plans – the subject of the draft RIS. The NRC states in the proposed rule that it proposes to issue regulatory guidance concurrently with the implementation of the final rule amendments and "would consider stakeholder-developed and [stakeholder]-proposed guidance as an alternative to NRC-developed guidance." 74 Fed. Reg. 23,266.

SOVSI Review Complete

E-RIS = ADM-03  
Add = Don Johnson

Template = ADM-013

(DAS3)

Mr. Christopher G. Miller  
September 15, 2009  
Page 2

In our view, the draft RIS addresses topics that are also the subject of the ongoing NRC rulemaking. Given the interrelationship between the proposed rule amendments, the draft RIS, and the changes to regulatory guidance, NEI would prefer to submit its comments on all of these documents concurrently – on October 19, 2009. We therefore request that the commission extend the comment period on the draft revised RIS 2005-02 until October 19<sup>th</sup>, 2009.

Thank you for your prompt consideration of this request. If you have any questions concerning this request, please contact me at 202 739-8129; [mth@nei.org](mailto:mth@nei.org).

Very truly yours,

Martin T. Hug

cc: Mr. Michael T. Lesar, Chief, Rulemaking and Directives Branch, NRC Office of Administration  
Mr. Don A. Johnson, NSIR/DPR/ONRLB  
Howard Benowitz, Esq., NRC Office of General Counsel