21

PR 50 and 52
(74FR23253)

Interjurisdictional Planning Committee

County of Orange•County of San Diego•City of San Clemente•City of San Juan Capistrano
City of Dana Point•California State Parks•U. S. Marine Corps•Southern California Edison

October 9, 2009

DOCKETED
USNRC

October 15, 2009 (3:20pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

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

ATTN: Rulemakings and Adjudications Staff

Subject: Comment on Proposed Rulemaking
NRC Docket ID: NRC-2008-0122

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. I am writing on behalf of the Interjurisdictional Planning Committee (IPC) to provide comment on this proposed rulemaking, specifically as it relates to Appendix E, Section IV.A.7.

This proposed change requires licensees to evaluate the existence and efficacy of offsite mutual aid agreements, memoranda of understanding (MOU), and ORO emergency plans in place to support the offsite response to a hostile action based emergency. The implementation of this requirement has several potentially negative implications. Please consider the following:

1. This proposed rule requires the licensee to review and verify the effectiveness of agreements and policies established by their OROs for the protection of the public's health and safety. Offsite responding organizations are not, nor should they be, given the authority or responsibility to review the effectiveness of a licensee's training and capabilities to operate a nuclear power plant. This same logic should apply in converse, such that a nuclear power plant should not be placed in the position of evaluating the appropriateness of ORO staffing, training, or access to back-fill resources. It is a standard and routine practice for Public Safety emergency response agencies to establish agreements with surrounding agencies. These agreements are designed to supplement response resources and bolster the response capabilities of both parties. In this way, one organization can leverage the available resources from all of the surrounding areas to support a large scale response. This is done at the direction and discretion of the

Template=SECY-067

DS 10

emergency response professionals that lead these organizations with the support and approval of their elected officials. These agreements are at the heart of the California Standardized Emergency Management System (SEMS) and the National Incident Management System (NIMS).

2. Offsite Responding Organizations operating within nuclear power plant emergency planning zones are knowledgeable and experienced in the conditions associated with responding to emergencies at these facilities. The existing FEMA Radiological Emergency Preparedness program, while not perfect, has effectively evaluated ORO response capabilities for almost 30 years.
3. The establishment of regulatory requirements of ORO oversight by the Nuclear Regulatory Commission crosses a long established boundary where FEMA has been the appropriately designated agency responsible for the review of ORO capabilities, while the NRC maintains oversight of your licensees.
4. The implications of establishing this type of ORO oversight by the NRC through the licensees may lead to defensive posturing and strained relationships between the licensees and their offsite planning partners.

The agencies of the Interjurisdictional Planning Committee urge the NRC to re-evaluate the need for this rulemaking, and consider the potential negative ramifications of the implementation of this rule as it is currently worded. Thank you for your consideration of this request.

Sincerely,

Mike Rose, Chairman
SONGS IPC

The SONGS Interjurisdictional Planning Committee (IPC) is made up of representatives from the Offsite Responding Organizations in the Emergency Planning Zone of the San Onofre Nuclear Generating Station. These agencies include the Counties of Orange, and San Diego, the Cities of San Clemente, Dana Point, and San Juan Capistrano, the Marine Corps Base Camp Pendleton, and the California State Parks.

Rulemaking Comments

From: Gallagher, Carol
Sent: Thursday, October 15, 2009 1:15 PM
To: Rulemaking Comments
Subject: Comment on Enhancements to Emergency Preparedness Regulations
Attachments: NRC-2008-0122-DRAFT-0064[1].1.pdf

Van,

Attached for docketing is a comment letter on the above noted proposed rule (74 FR 23253) from Mike Rose that I received via the regulations.gov website on 10/14/09.

Thanks,
Carol

Received: from HQCLSTR01.nrc.gov ([148.184.44.79]) by OWMS01.nrc.gov
([148.184.100.43]) with mapi; Thu, 15 Oct 2009 13:14:58 -0400
Content-Type: application/ms-tnef; name="winmail.dat"
Content-Transfer-Encoding: binary
From: "Gallagher, Carol" <Carol.Gallagher@nrc.gov>
To: Rulemaking Comments <Rulemaking.Comments@nrc.gov>
Date: Thu, 15 Oct 2009 13:14:57 -0400
Subject: Comment on Enhancements to Emergency Preparedness Regulations
Thread-Topic: Comment on Enhancements to Emergency Preparedness Regulations
Thread-Index: AcpNuuzgwXbWKVwYRBqQuf2xJaYCeQ==
Message-ID: <6F9E3C9DCAB9E448AAA49B8772A448C5B64E5A82@HQCLSTR01.nrc.gov>
Accept-Language: en-US
Content-Language: en-US
X-MS-Has-Attach: yes
X-MS-Exchange-Organization-SCL: -1
X-MS-TNEF-Correlator:
<6F9E3C9DCAB9E448AAA49B8772A448C5B64E5A82@HQCLSTR01.nrc.gov>
MIME-Version: 1.0