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**Subject:** Subject: RIN 3150-AI10: Comments on Enhancements to Emergency Preparedness Regulations

October 19, 2009 (2:50pm)  
OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

FENOC Comments on Enhancements to Emergency Preparedness Regulations

Subject: RIN 3150-AI10: Comments on Enhancements to Emergency Preparedness Regulations

In response to 74 FR 23254, and 74 FR 27724, FirstEnergy Nuclear Operating Company (FENOC) has reviewed the proposed rule, and appreciates the opportunity to provide comments.

1. FENOC fully supports and endorses the comments provided by the Nuclear Energy Institute (NEI) regarding these proposed rule changes.
2. FENOC also submits the following specific comments regarding the proposed rule changes, which provide some emphasis to the NEI comments:

These changes are characterized as enhancements to the current emergency preparedness regulations. Since the current emergency preparedness regulations are adequate for ensuring adequate protection of public health and safety, and common defense and security (as noted in 74 FR 23524), it is unclear why it should be necessary to impose these additional requirements on licensees. As noted in the NRC's Principles of Good Regulation, regulatory activities should be consistent with the degree of risk reduction they achieve. Since these changes are characterized as enhancements to an already acceptable regulatory scheme, their imposition on licensees already in compliance with existing regulations appears to represent an unnecessary regulatory burden. It is respectfully suggested that these changes be adapted as a regulatory scheme to be implemented on a voluntary basis by licensees.

**On-Shift Multiple Responsibilities:** The text of the proposed rule and the associated explanation and other draft guidance do not appear to allow the use of on-shift staff from one unit of a multi-unit site to support emergency response functions of the other unit. For those accidents and threats that affect only a single unit, the regulation should state such cross-unit support is permissible.

**Alternative Facilities:** The new requirements and associated explanation and guidance for designation of alternate facilities for staging ERO augmentation staff are unclear regarding locations (i.e., "close to the site," "geographically separated," "30 miles...would be too far away," "travel quickly to the site") This guidance should either be eliminated or clarified.

**Coordination with Offsite Response Organizations:** The proposed text of 10 CFR 50 Appendix E, Section IV.A.7 contains the following statement, "Nuclear power plant licensees shall ensure that offsite response organization resources (e.g., local law enforcement, firefighting, medical assistance) are available to respond to an emergency including a hostile action event at the nuclear power plant site." Licensees can establish mutual aid agreements and create similar arrangements for Offsite Response Organization response, and such arrangements can be evaluated through appropriate exercises. Requiring that licensees "shall ensure" offsite response organizations are available to respond represents an inappropriate intrusion into offsite response organization oversight and management.

This requirement should be modified to state that "licensees shall ensure that arrangements are in place where offsite response organizations have agreed to respond to an emergency including a hostile action event at the nuclear power plant site."

Evacuation Time Estimates: A periodic assessment of the population basis for the Evacuation Time Estimate (ETE) is appropriate. Requiring an annual review of population changes is impractical. Absent some type of local government "mini-census," licensees would essentially be required to conduct continuous population change monitoring to determine if the +/- 10 percent threshold has been reached. This requirement should be modified to perform a review at approximately 5 years after the last ETE had been submitted, based on the availability of federal/state/local population estimates.

Should you have any questions or comments, please contact:

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