



September 7, 2012

The Honorable Stephen Barrar
18 East Wing
P. O. Box 202160
Harrisburg, PA 17120-2160

VIA – Hand Delivery

Dear Representative Barrar:

FirstEnergy Nuclear Operating Company, PPL Susquehanna, LLC, and Exelon Generation greatly appreciate the opportunity to provide comments on House Bill 2562 as the House Veterans Affairs and Emergency Preparedness Committee conducts public hearings across the state on this proposed rewrite of Title 35 (Health and Safety).

After review of this important legislation, we would suggest four changes to the legislation. First, we recommend that the following sentence be added at the end of PA Con Statutes §§ 7503(b)(23) and 7503(c)(17) at pages 55 and 57 of HB2562 (PN 3930). **"This section does not apply to the onsite emergency plan for nuclear reactors that are subject to regulation by the U.S. Nuclear Regulatory Commission."**

The onsite emergency plans for our nuclear plants are subject to the NRC's exclusive review and approval under 10 CFR § 50.47, and are highly regulated by the NRC. While some changes to these plans may be made by the Licensee under 10 CFR 50.54(q) others may require specific NRC approval. As proposed §§ 7503(b)(23) and 7503(c)(17) are currently written, they could be misinterpreted as granting the county or local emergency planning authorities approval of our facilities onsite emergency plans. This would lead to duplicate and possibly conflicting regulation, and thus could be counter productive. We suggest this change to clarify the intention of the legislation.

Second, in the proposed § 7320(b) (5) at page 41, line 23 we suggest for further clarification adding the word "response" between "incident" and "plan" so that it reads "the Commonwealth's nuclear/radiological incident **response** plan."

Third, in the proposed § 7320(b)(18) at page 43 of HB2562 (PN 3930), we are concerned about a change in wording regarding PEMA responsibility to only "coordinate" redundant forms of communication in the event of an emergency. Solely requiring PEMA to coordinate these communications forms could defeat the purpose of redundant communication. We feel PEMA is best suited and should maintain the role of "providing" redundant communication, rather than "coordinating" a third party's obligation to provide communications to PEMA headquarters.

Finally, the term "utilities" is used throughout the Act to describe the owners of nuclear generating facilities. Pursuant to the Electricity Generation Customer Choice and Competition Act these facilities are no longer owned by the state's regulated electric distribution companies and accordingly should not be referred to as "utilities." We suggest the commonly used term "licensee" be used in its place. A

“licensee” can be defined as an entity that holds a U.S. Nuclear Regulatory Commission license to operate a nuclear generating station pursuant to 10 CFR § 50 or 52.

Again, we appreciate the opportunity to provide comments on House Bill 2562. We would also like to extend an open invitation to both you and committee members to learn more about nuclear power by touring one of our PA stations including Beaver Valley Power Station, Susquehanna Steam Electric Station, Limerick Generating Station, Peach Bottom Atomic Power Station, or Three Mile Island Generating Station. If you have further questions or would like to arrange a plant tour, please contact Sharon Roth at (717) 720-5313, Nikki Jones at (717) 257-5965, or Thom Chiomento at (610) 765-6928.

Sincerely,



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Cc: The Honorable Chris Sainato