

**Rulemaking Comments**

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**From:** Butler, Ralph [ButlerRa@missouri.edu]  
**Sent:** Monday, August 03, 2009 10:46 AM  
**To:** Rulemaking Comments  
**Subject:** Comments on proposed rule on enhancement to emergency preparedness regulation  
**Attachments:** Rulemaking - Aug 3, 2009.pdf

NRC Rulemaking and Adjudications Staff,

Please find attached my comments on proposed rule on enhancement to emergency preparedness regulations.

Best regards,

Ralph A. Butler  
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DOCKETED  
USNRC

August 3, 2009 (2:00pm)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

<<Rulemaking - Aug 3, 2009.pdf>>



# Research Reactor Center

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August 3, 2009

Secretary

ATTN: Rulemakings and Adjudications Staff

U.S. Nuclear Regulatory Commission

Washington, D.C. 20555-0001

Rulemakings and Adjudications Staff

Subject: Comments to additional questions in the proposed rulemaking published in Federal Register (Volume 74, Number 94) titled, "Enhancements to Emergency Preparedness Regulations"

The University of Missouri Research Reactor (MURR) wishes to submit comments to the three questions regarding expanding non-power licensee requirements with respect to emergency preparedness that were included in the proposed rulemaking published in the Federal Register (Vol. 74, No. 94 / May 18, 2009) entitled, "Enhancements to Emergency Preparedness Regulations."

The three questions are on page 23270 and pertain to research and test reactors. It is our understanding that these questions are not part of comments on the proposed rule, but rather are additional questions for which the NRC is soliciting comments. Our position on all three questions is that they are not necessary for the protection of public health and safety.

3. The NRC is seeking comment on whether it is necessary to add a requirement for non-power reactor licensees to include in their emergency plans detailed analyses demonstrating that on-shift personnel can perform all assigned emergency plan implementation functions in a timely manner without having competing responsibilities that could prevent them from performing their emergency plan functions.

**It is difficult to hypothesize an emergency scenario for MURR where on-shift personnel could not perform the assigned emergency plan implementation functions designed to protect public health and safety. The design basis accident for our 10 MW research reactor does not result in doses outside of our 150 meter Emergency Planning Zone (EPZ) that would exceed 10 CFR 20 doses to the general public.**

**Furthermore, MURR participates in an action exercise with our outside emergency support organizations every two years. These exercises, or drills, are critiqued by our staff as well as our outside support groups, are well documented and reviewed by NRC inspectors.**

**We have staffing in Reactor Operations and Reactor Health Physics that support a 24/7 operation. The staffing levels and their adequacy to meet NRC requirements are reviewed by NRC inspectors twice per year. A detailed analysis of staffing levels at our research reactor is not warranted as this area is already part of the NRC inspection program for our reactor.**

4. The NRC is considering whether it is necessary to add the emergency declaration timeliness criteria for non-power reactor licensees. The NRC is seeking comments on whether to issue regulations requirement that non-power reactor licensees meet these criteria.

**Non-power reactors do not need to meet a 15 minute reporting criterion. The issue, as stated in the Federal Register notice (Page 23262), focuses on timeliness of a declaration and its impact upon the protection of public health and safety. As stated above in the answer to question 3, the design basis accident for MURR will not produce public doses greater than 10 CFR 20 requirements outside our 150 meter EPZ. Our current reporting structure for emergency events is captured in our Emergency Plan which conforms to 10 CFR 50, Appendix E, following the guidance of NRC Regulatory Guide 2.6, Emergency Planning for Research and Test Reactors, and ANSI/ANS-15.16, Emergency Planning for Research Reactors.**

5. The NRC is seeking comments on whether the NRC should issue regulations requiring that non-power reactor licensees include hostile action event EALs in their emergency plans.

**The MURR Emergency Plan already incorporates security related EALs, one for bomb threats and another for a loss of physical control of the facility. These EALs have been reviewed by the NRC and found to be acceptable. Our outside emergency support groups include the University of Missouri Campus Police Department, which is backed up by the City of Columbia Police Department. The adequacy of the Local Law Enforcement Agencies' (LLEA) response capabilities is reviewed by the NRC on an annual basis when they review our Physical Security Plan compliance and have been found to meet or exceed the requirements.**

**If additional security-related EALs are determined to be necessary for our research reactor or other research reactors it should be done on a case-by-case basis based on NRC review of emergency and security plans and not by regulation.**

If you have any questions regarding our comments to the questions regarding expanding non-power licensee requirements with respect to emergency preparedness, please contact Walt Meyer, Chief Operating Officer (573-882-5203) or Les Foyto, Reactor Manager (573-882-5276).

Sincerely,



Ralph A. Butler, Director  
University of Missouri Research Reactor

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