

October 19, 2009 (2:50pm)

To Whom It May Concern,

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

I offer the following comments on the Nuclear Regulatory Commission Proposed Rule, Enhancements to Emergency Preparedness Regulations, FR Vol. 74, No. 94, Monday May 18, 2009.

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My comments on Questions 3, 4, and 5 of Section IV of the proposed rule are:

1. Expanding the described requirements to non-power reactors will not increase the public safety and will impose unnecessary new regulation upon non-power reactors. Public safety is already assured by existing emergency plans approved by the U.S. Nuclear Regulatory Commission (NRC). The new regulation will not improve the intent or the implementation of these same plans, with the possible exception of the proposed hostile action EAL. Past NRC inspections and non-routine assessments of non-power reactors have concluded the probability and consequences, i.e. risk, of events at a non-power reactor do not necessitate the dedication of resources involving specifically trained personnel, such as an on-site damage control team, that may be required at a nuclear power plant. The capabilities of non-power reactor personnel to carry out their responsibilities in an emergency, including classification, assessment, and declaration of an emergency are already known and accepted as sufficient.
2. This new regulation would be inconsistent with OMB Circular A-119, which prescribes consideration of voluntary consensus standards in lieu of government-unique standards. As chair of the working group for ANSI/ANS-15.4 and co-chair of the working group for ANSI/ANS-15.1, I can state with certainty that American Nuclear Society (ANS) standards exist for emergency planning and personnel requirements at non-power reactors and are detailed in three consensus standards re-issued within the last two years by the American National Standards Institute (ANSI): ANSI/ANS-15.16, "Emergency Planning for Research Reactors"; ANSI/ANS-15.4, "Selection and Training of Personnel for Research Reactors"; and ANSI/ANS-15.1, "The Development of Technical Specifications for Research Reactors." The NRC participated in the development of these standards, including NRC initiated and accepted changes to the EAL in the draft standards immediately preceding the final version of the emergency planning standard, ANS-15.16. The non-regulatory and

regulatory expertise present on the working groups responsible for these standards make their specific content superior to the content of the new regulation, which was apparently authored by individuals with little or no knowledge of non-power reactors.

3. Diversion of licensee resources and regulatory resources to implement these proposed regulations is not in the public interest. A reduction in effectiveness in the emergency planning for non-power reactors through inefficiencies inherent in requirements with no demonstrable benefit should not be a result of the regulator's intent to improve the emergency planning for power reactors.

Sincerely,

Thomas Myers
Chief, Reactor Operations
NIST Center for Neutron Research

Any views or opinions presented in this email are solely those of the author and do not necessarily represent those of the National Institute of Standards and Technology, the American Nuclear Society, or American National Standards Institute, Inc.

Rulemaking Comments

From: Gallagher, Carol
Sent: Monday, October 19, 2009 2:13 PM
To: Rulemaking Comments
Subject: Comment on Enhancements to Emergency Preparedness Regulations
Attachments: NRC-2008-0122-DRAFT-0067[1].1.docx

Van,

Attached for docketing is a comment letter on the above noted proposed rule (74 FR 23253) from Thomas Myers that I received via the regulations.gov website on 10/17/09.

Thanks,
Carol

Received: from HQCLSTR01.nrc.gov ([148.184.44.79]) by TWMS01.nrc.gov
([148.184.200.145]) with mapi; Mon, 19 Oct 2009 14:14:12 -0400
Content-Type: application/ms-tnef; name="winmail.dat"
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From: "Gallagher, Carol" <Carol.Gallagher@nrc.gov>
To: Rulemaking Comments <Rulemaking.Comments@nrc.gov>
Date: Mon, 19 Oct 2009 14:12:59 -0400
Subject: Comment on Enhancements to Emergency Preparedness Regulations
Thread-Topic: Comment on Enhancements to Emergency Preparedness Regulations
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