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Date: 5/20/10

From: Steve Reese

To: Michael Lesar

Company: US NRC

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May 18, 2010

Michael T. Lesar
Chief, Rulemaking and Directives Branch
Office of Administration
MS: TWB-05-B01M
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

RE: Comments Docket ID NRC-2010-0144, DG-2004 - Emergency Planning for Research and Test Reactors

Mr. Lesar,

I wish to respectfully submit comments on the draft regulatory guide, DG-2004, *Emergency Planning for Research and Test Reactors*, published in the Federal Register (Vol. 75, No. 62 / April 1, 2010). My specific concern deals with section C.3, which states "The licensee should consider implementing a notification process that will notify the NRC no later than 1 hour after it declares one of the emergency classes."

This 1 hour reporting recommendation is inconsistent with the 24-hour reporting recommendation found in ANSI/ANS 15.1, *The Development of Technical Specifications for Research Reactors*. As recommended in ANSI/ANS 15.1, most (if not all) non-power reactors have a 24-hour reporting requirement within their technical specifications for the worst non-normal operational scenarios, including those involving a "release of radioactivity from the site above allowed limits." This standard has been in effect for decades. It should be noted that the classification of events at research and test reactors are already based on the dose incurred by the general public as a result of an off-site release. Therefore, ANSI/ANS 15.1 and current research reactor emergency plans are addressing the same situation, with both effectively implementing a 24-hour reporting criteria.

This issue is very similar to that described in the notice of proposed rulemaking published in the Federal Register (Vol. 74, No. 94 / May 18, 2009) entitled, *Enhancements to Emergency Preparedness Regulation.* That Federal Register Notice focused on the timeliness of a declaration and its impact upon protection of public health and safety. However, if that is the basis, it is difficult to imagine circumstances were public health and safety is improved as a result of this change. Because of the minimal decay heat and low inventory of radioactive materials, most safety analysis reports predict off-site dose to be below that found in 10 CFR 20.1301(a)(1), let alone 10 CFR 100. Any actions that protect the public health and safety occur in the control room

by the operator within the first few minutes of an event because, unlike power reactors, even the worse case events at a research and test reactor are not protracted (i.e., taking place over many hours or days) and therefore don't lend themselves to vulnerabilities in crisis management or confounding circumstances.

Given that events at research and test reactors have little or no impact on public health and safety and are not protracted, recommending a 1 hour reportable for emergency situations at research and test reactors is unwarranted. Additionally, it is inconsistent with the current recommendations found in ANSI/ANS 15.1.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Steven R. Reese
Director