

rules@fema.gov. Please reference “REP: Planning and Preparing for a Fast-Breaking Event” in the subject line of your e-mail or comment letter.

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**SUPPLEMENTARY INFORMATION:** Pursuant to completion of the REP Program exercise evaluation criteria, FEMA is proposing a means to evaluate the capability of OROs to respond to a fast-breaking event at a commercial nuclear power plant. The subject notice contains I. background information, II. the regulatory basis with a chart illustrating the alert and notification timeline, III. considerations when preparing a response to a fast-breaking event, IV. Evaluation Criterion 5.a.2 with the associated extent of play, and V. frequency of evaluation.

**I. Background**

FEMA published a **Federal Register** notice entitled “Radiological Emergency Preparedness: Exercise Evaluation Methodology” at 66 FR 47526, September 12, 2001, containing the REP exercise evaluation areas and associated criteria, effective as of October 1, 2001, for use when evaluating REP exercises. After publication, FEMA clarified some of the information in the September notice and published a notice of correction in the **Federal Register** at 67 FR 20580, April 25, 2002.

In both notices, FEMA deferred publication of proposed Criterion 5.a.2, which would evaluate an ORO’s capability for urgent notification of the public in the event of a fast-breaking incident at the plant. FEMA is now going forward with publication of the draft criterion for comment.

**II. Regulatory Basis**

The aforementioned emergency preparedness-related Nuclear Regulatory Commission (NRC) and FEMA regulations and case law (Atomic Safety and Licensing Appeal Board ALAB–935) provide the regulatory bases for judging the adequacy of the offsite planning and preparedness for a response to a situation requiring urgent action.

Appendix E to 10 CFR Part 50 states:

[t]he licensee shall demonstrate that the State/local officials have the capability to make a public notification decision promptly on being informed by the licensee of an emergency condition.

It further states:

[t]he design objective of the prompt public notification system shall be to have the capability to essentially complete the initial notification of the public within the plume exposure pathway EPZ [emergency planning zone] within about 15 minutes. The use of this notification capability will range from immediate notification of the public (within 15 minutes of the time that State and local officials are notified that a situation exists requiring urgent action) to the more likely events where there is substantial time available for the State and local government officials to make a judgment whether or not to activate the public notification system.

The Atomic Safety and Licensing Appeal Board characterizes the timing requirement in Appendix E as about 15 minutes from the time offsite official(s) are notified and specifies that the “about 15 minutes” timeframe concludes when the notification message begins. *Public Service Company of New Hampshire* (Seabrook Station, Units 1 and 2) ALAB–935, 32 NRC 57 (1990).

FEMA regulation 44 CFR Part 350.5(a)(5) states, in part:

[p]rocedures have been established for notification, by the licensee, of State and local response organizations \* \* \* and means to provide early notification and clear instruction to the populace within the plume exposure pathway Emergency Planning Zone have been established.

In order to fulfill the intent of the regulations and case law, that is, to ensure the ability to provide a rapid offsite response in the event of a severe nuclear power plant incident, we believe it is necessary to specify a timeframe for notification of the offsite official(s). Therefore, we have established an approximately 5-minute timeframe between the licensee’s notification of the offsite communications point or, if in the plan, the communications point’s verification of the notification, and the communications point’s notification of offsite official(s).

The chart below illustrates the timeframes, as discussed above and as explained below in Evaluation Criterion 5.a.2, for demonstration of an offsite response to a fast-breaking event:

	Licensee notifies CP <sup>1</sup> of GE <sup>2</sup> and PAR <sup>3</sup> and, if in plan, CP verifies	CP completes notification of offsite officials	Notification of public begins
Licensee declares emergency	---15 minutes---	approx. 5 minutes---	---about 15 minutes, not to exceed 20---

<sup>1</sup> CP = Offsite Communications Point  
<sup>2</sup> GE = General Emergency  
<sup>3</sup> PAR = Protective Action Recommendation

**III. Considerations When Planning a Response to a Fast-Breaking Event**

The licensee’s notification will include a Protective Action Recommendation (PAR). The ORO is

responsible for considering the recommendation and deciding whether to include a protective action in the initial Emergency Alert System (EAS) message and, if so, what the protective action should be. Some OROs may

choose to implement the utility’s PAR or a default protective action, pending an independent evaluation by responsible offsite officials. Other OROs—in light of the potential need to modify utility recommendations in