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FINAL REPLY:

Thomas W. Ortziger  
Illinois Department of Nuclear Safety

Michael Chamness  
Illinois Emergency Management Agency

TO:  
Chairman Meserve

FOR SIGNATURE OF : \*\* PRI \*\* CRC NO: 01-0372

Chairman

DESC: ROUTING:  
Capability to Notify the Public of "Fast-Breaking"  
Emergency Travers  
Paperiello  
Kane  
Norry  
Craig  
Burns/Cyr  
Wessman, IRO  
Lohaus, STP  
Dyer, RIII

DATE: 07/27/01

ASSIGNED TO: CONTACT:  
NRR Collins

SPECIAL INSTRUCTIONS OR REMARKS:

OFFICE OF THE SECRETARY  
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**AUTHOR:** Michael Chamness (IL)  
**AFFILIATION:** IL  
**ADDRESSEE:** CHRM Richard Meserve  
**SUBJECT:** Concerns capability to notify the public of "fast-breaking" emergency

**ACTION:** Signature of Chairman  
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STATE OF ILLINOIS  
**DEPARTMENT OF NUCLEAR SAFETY**

1035 OUTER PARK DRIVE • SPRINGFIELD, ILLINOIS 62704  
217-785-9900 • 217-782-6133 (TDD)

George H. Ryan  
Governor

Thomas W. Ortziger  
Director

July 24, 2001

Mr. Richard Meserve, Chairman  
U.S. Nuclear Regulatory Commission  
One White Flint North  
11555 Rockville Pike  
Rockville, MD 20852-2738

Dear Chairman Meserve:

FEMA has recently decreed that state and local governments must demonstrate a capability to notify the public of a “fast-breaking” emergency within 15 minutes of being notified by the licensee. This requirement has long been part of the NRC rules, i.e., 10 CFR 50 Appendix E, and FEMA guidance. However, FEMA has not previously insisted on a capability demonstration as part of its evaluation of radiological emergency response plans.

While the State of Illinois acknowledges the need for a prompt public notification capability and maintains such mechanisms as part of its response program, the state believes that the Commission should revisit the rationale for this “timed” requirement and amend the language of the rule. The NRC rule in question requires the licensee to demonstrate that state and local officials have the capability to make a public notification decision “promptly” and that public notification systems should “have the capability to essentially complete the initial notification of the public . . . within about 15 minutes.” The rule further states that use of the notification capability will range from “immediate notification within 15 minutes” when the situation requires urgent action to “the more likely events where there is substantial time available” to make a judgment whether to activate the system. While there may be a design-basis rationale for the Commission’s original logic in drafting the rule, it is worth noting that there has never been an event involving U.S. reactor operations that has produced a “fast-breaker” sequence.

Finally, the rule states that the responsibility for activating public notification systems “shall remain with the appropriate governmental authorities.” The evolution of offsite emergency preparedness programs developed by the states and approved and

evaluated by FEMA has established a fundamentally sound public protection process that includes an effective alerting system as well as crucial support mechanisms. These mechanisms include traffic and access control, public information dissemination, reception and relocation centers, radiological protection, etc. Offsite emergency response organizations have established notification and authorization procedures designed to activate supporting capabilities promptly. This process starts with the licensee's notification to a 24-hour offsite contact point and, in turn, the immediate notification of the responsible offsite authorities. Once that process is accomplished, as is often the case for these offsite authorities for other emergencies, the prompt consideration of appropriate protective action is initiated, and the public so advised. The result is an efficient response system that maximizes public protection through the implementation of a closely integrated and coordinated response.

Our major concern is the provision of optimum time for decision-makers to consider the best and most effective means of protecting public safety, and the initiation of efforts to put supporting capabilities in place. It is here that we feel that the Commission's rule specifying a 15-minute timeframe requires revision and/or clarification. As the Commission's rule now states, the responsibility for the activation of the public notification system rests with offsite authorities. This is consistent with the established principle that state and local governments are primarily responsible for the protection of the health and safety of their citizens. However, the imposition of an arbitrary 15-minute time limit for completion of offsite notifications poses an unreasonable and unrealistic burden that is inconsistent with the goal of optimizing public protection.

To meet FEMA's requirement for completion of the notification process within 15 minutes would require circumventing a prudent decision-making process. Doing so for the purposes of satisfying an exercise demonstration might be possible, but it does not recognize established plans and procedures which utilize a process of consideration through an established chain of command. Many extenuating offsite environmental factors, such as weather or road conditions, road and bridge repairs, time of day, other on-going events, etc., could significantly influence the effectiveness of any protective actions, and responsible offsite decision-makers should be allowed a reasonable period of time to consider these issues.

We feel that the 15-minute notification requirement should be revised to "prompt and timely," with a goal of public alerting without undue delay under the most favorable conditions. We believe the Commission should work with the states and local governments to develop this more reasoned and rational approach to ensuring that timely

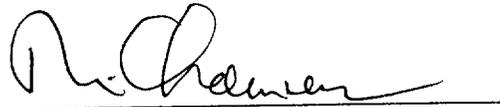
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and accurate information is provided to the public. We urge you to initiate an immediate reassessment of this rule.

Thank you for your consideration.



Thomas W. Ortoger, Director  
Illinois Department of Nuclear Safety



Michael Chamness, Director  
Illinois Emergency Management Agency