

**Comments on  
Department of Homeland Security /  
Federal Emergency Management Agency  
Federal Register Notice**

**Planning and Preparing for a Fast-Breaking Event**

1. There is no basis in regulation or NRC case law for a separate evaluation criterion requiring a 5-minute period for the communications point to contact authorized officials. While this may be a goal, it is not an adequate basis for assessing a deficiency under current regulatory requirements. Rather, an overall period of about 30 minutes for the combined process of contacting the authorizing official, decision making and public notification is more in line with NRC regulations. See 10 CFR Part 50, Appendix E, Paragraph IV.D.3. In the NRC view, it would be inappropriate to evaluate against a time period which is not mandated by regulation. In a letter Dated November 9, 2001, to the State of Illinois, the Commission stated, "When the Commission selected timeliness criterion for notifying the public of a "fast-breaking" emergency, it considered the 15-minute regulatory criterion to be a design objective; that is, the licensees' programs should be designed such that public notifications are capable of being made within about 15 minutes from the time that the licensee notifies the State. However, the Commission did not view the criterion as a rigid timing requirement to be enforced during each exercise and timed from the moment that State and local officials are informed of the event." [Ref: Sections II, IV.A & V.]
2. Biennial demonstration of the fast breaker capability may detract from the establishment of a robust Offsite Response Organizations (ORO) drill program. Although drill opportunities allow the participants to effectively learn from mistakes, conduct of the fast breaker demonstration may not be compatible with the typical conduct of a biennial exercise. Demonstration of the fast breaker capability would require that the first notification to OROs be a General Emergency. This may not allow for other FEMA evaluation areas to be demonstrated, or at least not demonstrated in the manner that has been typical in past exercises. A change to the typical exercise conduct to allow for focus on the fast breaker demonstration could detract from other areas normally demonstrated. Nevertheless, it may be appropriate to encourage OROs to establish an adequate drill program, including regular tests of the fast breaker capability and to report to FEMA annually on the results of that drill program. Such a drill program would allow FEMA oversight to fall within the normal 6-year exercise cycle for demonstration of all aspects of the EP program. [Ref: Sections IV.B & V.]
3. Demonstration of the fast breaker capability would require that ORO responders not be aware of the specific timing of the demonstration, i.e., demonstration would start within a 7-day window. There are occasional unannounced drills and exercises, but generally the dates of biennial exercises are known in order to facilitate the participation of volunteers and others. If biennial exercises become "unannounced," it could detract from the participation of the normally wide spectrum of responders, i.e., volunteers who would normally be trained and evaluated during the exercise. [Ref: Section IV.B.]

Enclosure

4. It should be noted that it is possible that an ORO would not need to test a notification system for the authorizing official as part of the fast breaker demonstration, e.g., where preplanning is performed to authorize the communications point to accept the licensee protective action recommendation or to issue a default protective action or warning message. [Ref: Section IV.C.]