

UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR REACTOR REGULATION
OFFICE OF NEW REACTORS
WASHINGTON, D.C. 20555

October 30, 2015

NRC REGULATORY ISSUE SUMMARY 2015-14
ISSUANCE OF ENFORCEMENT GUIDANCE MEMORANDUM - EMERGENCY PLAN AND
EMERGENCY PLAN IMPLEMENTING PROCEDURE UPDATES

ADDRESSEES

All holders of and applicants for operating license for a nuclear power reactor under Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, "Domestic Licensing of Production and Utilization Facilities," including those that have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel.

All holders of and applicants for a power reactor early site permit, combined license, standard design approval, or manufacturing license under 10 CFR Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants." All applicants for a standard design certification, including such applicants after initial issuance of a design certification rule.

INTENT

The intent of this regulatory issue summary (RIS) is to inform the addressees that on October 23, 2015, the U.S. Nuclear Regulatory Commission (NRC) issued Enforcement Guidance Memorandum (EGM) 15-003 concerning the dispositioning of inspection findings related to licensee submittal of emergency plan implementing procedure (EPIP) updates in accordance with the requirements of 10 CFR Part 50, Appendix E, Section V, "Implementing Procedures." No specific action or written response is required. This RIS is being provided for information purposes only.

BACKGROUND INFORMATION

On August 19, 1980 (45 FR 55402), NRC amended its regulations to require that licensees who are authorized to operate a nuclear power facility submit any changes to their emergency plan implementing procedures to the Commission, as specified in 10 CFR 50.4, "Written communications," within 30 days of such changes.

This regulation was intended to be an interim document collection requirement to support NRC inspectors during a one-time off-site appraisal program. Following the conclusion of the appraisal program, the regulation was not changed to eliminate the reporting requirement, and the NRC continues to receive submittals from licensees as required by the regulation. The changes are generally administrative in nature and not significant to regulatory oversight. Additional information regarding the intent of the regulation and the nature of the submittals can be found in the EGM (available in the Agencywide Documents Access and Management System under Accession Number ML15223A098).

ML15233A223

The licensee's emergency plan, not including EIPs, is the basis for licensing and continuance of their operating license. Changes to a licensee's emergency plan are reported to the NRC in accordance with 10 CFR 50.54(q) "Emergency plans," or 10 CFR 50.90, "Application for amendment of license, construction permit, or early site permit." As such, the requirement to report emergency plan changes in Section V of Appendix E to 10 CFR Part 50 is redundant and unnecessary.

SUMMARY OF ISSUE

In 2013 there were over 750 EIP changes submitted to the NRC by licensees. Currently, every NRC licensee must submit any change made to an EIP in accordance with Section V of Appendix E to 10 CFR Part 50. The NRC staff has determined that changes submitted in accordance with this regulation are not significant to regulatory oversight, and constitute a significant and unnecessary administrative burden on the licensee and NRC staff. The EGM was developed to alleviate the administrative burden inherent to the reporting and receipt of EIP changes while the NRC is engaged in the rulemaking process.

BACKFITTING AND ISSUE FINALITY DISCUSSION

This RIS informs the addressees of the issuance of EGM 15-003. The RIS requires no written response or action beyond that already required by NRC regulations. Therefore, this RIS does not represent backfitting as defined in 10 CFR 50.109(a)(1), nor is it otherwise inconsistent with any issue finality provision in 10 CFR Part 52. Consequently, the NRC staff did not perform a backfit analysis.

FEDERAL REGISTER NOTIFICATION

The NRC did not publish a notice of opportunity for public comment on this RIS in the *Federal Register* because this RIS is informational and announces the issuance of EGM 15-003.

CONGRESSIONAL REVIEW ACT

The NRC has determined that this action is not subject to the Congressional Review Act (5 U.S.C. §§ 801-886) and, therefore, is not subject to the Act.

PAPERWORK REDUCTION ACT STATEMENT

This RIS does not contain new or amended information collection requirements that are subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). Existing requirements were approved by the Office of Management and Budget under approval number 3150-0011.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a currently valid OMB control number.

CONTACT

Please direct any question about this matter to the technical contact listed below.

/RA/

Lawrence E. Kokajko, Director
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

/RA/

Michael C. Cheok, Director
Division of Construction Inspection
and Operational Programs
Office of New Reactors

Technical Contact: Jonathan Fiske, NSIR
301-287-9228
e-mail: Jonathan.Fiske@nrc.gov

Note: NRC generic communications may be found on the NRC public Web site, <http://www.nrc.gov>, under NRC Library/Document Collections.

CONTACT

Please direct any question about this matter to the technical contact listed below.

/RA/

Lawrence E. Kokajko, Director
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

/RA/

Michael C. Cheok, Director
Division of Construction Inspection
and Operational Programs
Office of New Reactors

Technical Contact: Jonathan Fiske, NSIR
301-287-9228
e-mail: Jonathan.Fiske@nrc.gov

Note: NRC generic communications may be found on the NRC public Web site, <http://www.nrc.gov>, under NRC Library/Document Collections.

ADAMS Accession No.: ML15233A223 *concurrent via email **TAC No.: MF6626**

OFFICE	NSIR/DPR/IRIB/PM	Tech Editor	NRR/DPR/PGCB/LA	NSIR/DPR/IRIB/BC	NSIR/DPR/DD	OE *
NAME	JFiske	JDougherty	ELee	RKahler	RLewis	NHilton
DATE	08/14/15	08/18/2015	08/24/15	8/27/2015	8/28/2015	09/08/2015
OFFICE	NRR/PMDA *	OIS	OGC	NRR/DPR/PGCB/PM	NRR/DPR/PGCB/LA	NRR/DPR/PGCB/BC
NAME	LHill	TDonnell	SLewman	TKeene	ELee (ABaxter for)	SStuchell
DATE	09/02/2015	9/10/2015	10/20/2015	10/21/2015	10/22/15	10/22/15
OFFICE	NRR/DPR/DD	NRO/DCIP/D	NRR/DPR/D			
NAME	AMohseni	MCheok	LKokajko			
DATE	10/ 28 /15	10/ 29 /15	10/ 30 /15			

OFFICIAL RECORD COPY