

# Enforcement Guidance Memorandum 2015-003

## *NEI Licensing Training Forum* *November 20, 2015*

**Joseph D. Anderson, Chief  
Operating Reactor Licensing and Outreach Branch  
Office of Nuclear Security and Incident Response**

# Enforcement Guidance

## Memorandum (EGM) 15-003



- **Appendix E to 10 CFR Part 50, Section V**
  - Submittal of any changes to emergency plans or procedures
- **§50.54(q)(5): Emergency plan changes made without prior NRC approval**
  - Under §50.4, submit a report, including summary of analysis
  - Certain subtier documents, such as EIPs, where a programmatic description was relocated from the emergency plan to a subtier document, would continue to be subject to §50.54(q).
- **EGM 2015-13 (ML15223A098) dated October 23, 2015**  
<http://pbadupws.nrc.gov/docs/ML1522/ML15223A098.pdf>
- NRC staff is engaged in rulemaking to remove this requirement.



# ***Enforcement Guidance***

## ***Memorandum (EGM) 15-003***

---

---



- **NRC Staff Points of Contact**

Robert Kahler, Chief  
Inspection and Regulatory Improvement Branch  
[Robert.Kahler@nrc.gov](mailto:Robert.Kahler@nrc.gov)

Steve LaVie, EP Specialist  
RG 1.219 Author (10 CFR 50.54(q))  
Inspection and Regulatory Improvement Branch  
[Steve.LaVie@nrc.gov](mailto:Steve.LaVie@nrc.gov)

Jonathan Fiske, EP Specialist  
EGM 15-003 / RIS 2015-14 Contact  
Inspection and Regulatory Improvement Branch  
[Jonathan.Fiske@nrc.gov](mailto:Jonathan.Fiske@nrc.gov)



# Thank You



Section V of Appendix E to 10 CFR Part 50 requires operating reactor licensees to submit any changes to emergency plan or procedures (referred to as emergency plan implementing procedures or EIPs) regardless of the regulatory significance of the change.

- NRC currently does not review EIPs submitted under Appendix E for approval. Only EIPs considered as part of an emergency plan change submitted as a license amendment request, with the exception of emergency action level scheme changes which require prior NRC approval under Appendix E, are reviewed by the NRC for approval.
- As such, the unnecessary submittal of EIP changes to the NRC under Appendix E have placed an administrative burden on licensees and NRC staff.

10 CFR 50.54(q)(5) still specifies the requirement for the licensee a report of each change made to its emergency plan without prior NRC approval, including a summary of its analysis under §50.54(q) that change does not constitute a reduction in effectiveness.

- Important to remember that §50.54(q) describes the process for evaluating changes to a licensee's emergency plan.
- Ordinarily, subtier documents, such as EIPs, are normally not considered to be part of the emergency plan for the purposes of evaluating proposed changes. However, if a licensee relocates a programmatic description from the emergency plan to a subtier document, that programmatic description continues to be subject to §50.54(q).
- Common examples: Emergency action levels, radiological emergency response training, radiological exposure control, etc.
- Evaluation criteria contained in Section II of NUREG-0654/FEMA-REP-1 provides an acceptable means of determining the level of detail required in the emergency plan to meet a respective planning standard.
- Licensees are encouraged to refer to Regulatory Guide 1,219, "Guidance on Making Changes to Emergency Plans for Nuclear Power Reactors."

Regulatory Issue Summary 2015-14 was issued on October 30 to announce the issuance of Enforcement Guidance Memorandum 2015-003.

- The EGM provides enforcement discretion not to cite licensees authorized to operate a nuclear power facility for not submitting emergency plan and EIP updates solely in accordance with Section V to Appendix E.

NRC staff is currently proposing to remove this requirement as part of the annual administrative rulemaking, expected to be published by the end of Calendar Year 2015.