



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

EGM 02-001

MEMORANDUM TO: Hubert J. Miller, Regional Administrator, Region I  
Luis A. Reyes, Regional Administrator, Region II  
James E. Dyer, Regional Administrator, Region III  
Ellis W. Merschoff, Regional Administrator, Region IV  
R. W. Borchardt, Associate Director for Inspection  
and Programs, NRR  
Brian W. Sheron, Associate Director for Project Licensing  
and Technical Analysis, NRR  
Michael F. Weber, Director, Division of Fuel Cycle Safety  
and Safeguards, NMSS  
Donald A. Cool, Director, Division of Industrial and Medical  
Nuclear Safety, NMSS  
John T. Greeves, Director, Division of Waste Management, NMSS  
E. William Brach, Director, Spent Fuel Project Office, NMSS

FROM: Frank J. Congel, Director /RA/  
Office of Enforcement

SUBJECT: ENFORCEMENT GUIDANCE MEMORANDUM - INTERIM GUIDANCE FOR  
ENFORCEMENT OF 10 CFR 50 APPENDIX E

The purpose of this memorandum is to notify you that in accordance with the Staff Requirements Memorandum dated November 6, 2001, the staff is to exercise enforcement discretion with regards to failure of licensees to submit changes to emergency action levels (EALs) to the NRC for approval when the changes do not decrease the effectiveness of the emergency plan and the plan continues to meet regulatory standards. SECY-01-0192 was submitted to the Commission to resolve an ambiguity in the regulations regarding NRC approval of licensee initiated changes to EALs. As currently written, 10 CFR 50.54(q) states that licensees can make changes to their emergency plans without Commission approval "only if the changes do not decrease the effectiveness of the plans and the plans, as changed, continue to meet the standards of 10 CFR 50.47(b) and the requirements of Appendix E to 10 CFR Part 50." The staff recognizes that licensees routinely make changes to EALs under this provision. However, Appendix E to 10 CFR Part 50 states that "EALs shall be discussed and agreed on by the applicant and State and local governmental authorities and approved by the NRC." The Commission approved a rulemaking plan to clarify and reconcile the requirements so that the licensee can make the changes as described in 10 CFR 10.54(q) without requesting Commission approval presently required by Appendix E to 10 CFR Part 50.

The Office of Enforcement considers the violation described above to be a minor issue. Should such violations be noted during inspection, documentation of the violation and the enforcement discretion is not required.

This EGM will remain in effect until final rulemaking is complete.

If you have any questions, contact Jennifer Dixon-Herrity at 301-415-1980 or e-mail (JLD).

cc: The Chairman  
Commissioner Dicus  
Commissioner Diaz  
Commissioner McGaffigan  
Commissioner Merrifield  
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