

June 18, 2003

MEMORANDUM TO: William D. Travers  
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS - SECY-03-0067 - PROPOSED  
AMENDMENTS TO 10 CFR PART 50, APPENDIX E RELATING  
TO (1) NRC APPROVAL OF CHANGES TO EMERGENCY  
ACTION LEVELS (EAL) PARAGRAPH IV.B. AND (2) EXERCISE  
REQUIREMENTS FOR CO-LOCATED LICENSEES,  
PARAGRAPH IV.F.2

The Commission has approved publication of proposed amendments to 10 CFR Part 50 relating to Emergency Action Levels (EALs) and exercise requirements for co-located licensees in the Federal Register for a 75-day public comment period subject to the changes noted in the attachment.

(EDO)

(SECY Suspense:

7/25/03)

Attachment: Changes to the Federal Register notice in SECY-03-0067

cc: Chairman Diaz  
Commissioner Dicus  
Commissioner McGaffigan  
Commissioner Merrifield  
OGC  
CFO  
OCA  
OIG  
OPA  
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)  
PDR

**Changes to the Federal Register notice in SECY-03-0067**

1. On page 2, last paragraph, revise line 8 to read ‘ ... industry practice, **in general**, has been to ....’
2. On page 3, revise lines 3 and 4 from the top to read ‘ ... Commission **believes** recognizes that ~~while the current regulations are unclear~~ **and can be**, ~~they are best interpreted to ....’~~
3. On page 3, last paragraph, revise lines 3 and 4 to read ‘ ... level of safety. ~~and will not otherwise result in non-compliance with applicable Commission requirements on emergency preparedness. Rather, the~~ **The** Commission’s regulatory ....’ Revise lines 11 and 12 to read ‘ ... successful application, and ~~there is no technical reason why this standard~~ **should** ~~could not also be used ....’~~ Revise lines 12 through 14 to read ‘ ... EAL changes, ~~for which no NRC review and approval was sought, as well as, EAL changes for which prior NRC review and approval was sought, the Commission believes that licensees have been,~~ **in general**, and have the capability to continue ....’ Revise line 16 to read ‘ ... the emergency plan **and have the capability to continue to do so.**’
4. On page 4, revise lines 2 and 3 from the top to read ‘ ... licensees (who would ~~not~~ **no longer be required** ~~required~~ to submit for approval EAL changes that **do not decrease the effectiveness of the emergency plan** ~~have no regulatory significance).~~’
5. On page 4, 1<sup>st</sup> full paragraph, revise lines 1 and 2 to read ‘~~One kind of EAL change which the~~ **The** Commission believes will always involve a potential reduction in effectiveness is ~~where a licensee proposes to convert from one ....’~~ Revise line 3 to read ‘ ... NUMARC/NESP-007-based) **will always involve a potential reduction in effectiveness.**’
6. On page 4, paragraph 2, revise line 3 to read ‘ ... plan and for **changing** ~~licensees who are converting from ....’~~ Delete the sentence in lines 5 through 7 (Licensees may make ... to another.)
7. On page 6, 1<sup>st</sup> full paragraph, revise line 2 to read ‘ ... Commission believes that **the ambiguity in the current regulation can be** ~~the better interpretation is~~ **such** that ....’ Revise line 5 to read ‘ ... offsite exercise). ~~Nonetheless, Upon ....’~~ Revise lines 8 and 9 to read ‘ ... is not necessary ~~in all cases~~ to provide reasonable ....’ Revise lines 11 and 12 to read ‘ ... an interpretation **could** ~~would arguably impose an undue ....’~~
8. On page 8, 1<sup>st</sup> full paragraph, revise line 11 to read ‘ ... equivalent of ~~the current regulations requirements for a biennial exercise ....’~~
9. On page 8, last paragraph, revise the last line to read ‘ ... the Commission **did not** ~~failed to explicitly ....’~~
10. On page 9, revise line 2 from the top to read ‘ ... addresses the ~~apparent~~ undue burden placed ....’
11. On page 9, 1<sup>st</sup> full paragraph, revise line 1 to read ‘ ... licensees that share **many of** the

- following ...’ Insert commas at the end of items a., b., and c. Revise item d. to read ‘ ... notification system, **and/or** ‘
12. On page 9, paragraph 2, revise line 5 to read ‘ ... once every 10 years **with co-located licensees required to participate in activities and interaction with offsite authorities between exercises.**’
  13. On page 10, revise line 4 from the top to read ‘ ... following guidance **for co-located licensees:**’
  14. On page 12, 2<sup>nd</sup> full paragraph, revise line 5 to read ‘ ... emergency plan **or** ~~and~~ for **changes to licensees who are** converting from one EAL ....’ Delete the sentence in lines 6 through 8 (NRC approval would ... to another.)
  15. On page 14, insert commas at the end of items a., b., and c. and revise item d. to read ‘ ... notification system, **and/or** ‘
  16. On page 14, last paragraph, revise the last 2 lines to read ‘ ... Commission **believes recognizes** that while the current regulations are unclear **and can be** , ~~they are best~~ interpreted to ....’
  17. On page 15, last paragraph, revise line 2 to read ‘ ... Commission believes that **the ambiguity in the current regulations can be** the better interpretation is that each ....’ Revise line 5 to read ‘ ... offsite exercise). ~~Nonetheless, The~~ ....’ Revise line 8 to read ‘ ... not necessary ~~in all cases~~ to provide ....’
  18. On page 16, revise line 2 from the top to read ‘ ... an interpretation **could** ~~would~~ arguably impose an undue ....’
  19. On page 18, paragraph 2, revise line 7 to read ‘ ... **two different** licensees of ~~two different~~ nuclear power ....’
  20. On page 20, paragraph 1, revise line 8 to read ‘ ... industry practice, **in general**, has been to ....’ Revise lines 16 and 17 to read ‘ ... Commission **believes recognizes** that while the current regulations are unclear **and can be** , ~~they are best~~ interpreted to ....’
  21. On page 21, last paragraph, revise line 2 to read ‘ ... believes that **the ambiguity in the current regulation can be** the better interpretation is that each ....’ Revise line 5 to read ‘ ... offsite exercise). ~~Nonetheless, Upon~~ ....’ Revise lines 8 and 9 to read ‘ ... not necessary ~~in all cases~~ to provide ....’
  22. On page 22, revise lines 1 and 2 from the top to read ‘ ... an interpretation **could** ~~would~~ arguably impose an undue ....’
  23. On page 23, insert commas at the end of items a., b., and c. and revise item d. to read ‘ ... notification system, **and/or** ‘
  24. On page 24, last paragraph, revise the last 2 lines to read ‘ ... their EALs **while reducing** ~~with~~ unnecessary regulatory ....’

25. On page 25, revise line 1 from the top to read ‘ ... could make minor EAL changes that do not decrease the effectiveness of the emergency plan without prior ....’
26. On page 25, 1<sup>st</sup> full paragraph, revise line 1 through 3 to read ‘ ... changes would retain the inconsistency in the regulations, require NRC to notify nuclear power reactor licensees that their current practice of changing EALs (even minor changes) without the NRC’s approval, is a violation of Appendix E to 10 CFR Part 50, thereby increasing ....’  
Revise the last line to read ‘ ... NRC staff in addressing questions on a case-by-case basis.’
27. On page 27, paragraph 3, revise line 8 to read ‘ ... of future licensinge actions by providing ....’
28. On page 27, last paragraph, revise the last line to read ‘ ... modest. However, a revision of the the revised requirements is desirable are necessary to remove ambiguities in the current regulations, while maintaining safety and reducing unnecessary regulatory burden ensure that nuclear power ....’
29. On page 28, delete the 4 lines at the top of the page.
30. On page 28, last paragraph, revise the last line to read ‘ ... currently requires that “EALs shall be ... approved by NRC.” NRC review and ....’
31. On page 29, revise lines 1 and 2 from the top to read ‘ ... approval of all changes to EALs: The proposed rulemaking would clarify relax the Appendix E requirement to clearly permit licensee ....’ Delete the sentence in lines 5 through 7 (The proposed rule ... EAL changes.) Revise lines 7 and 8 to read ‘Accordingly, the The proposed rulemaking clarifies the requirements and represents the current practice of making changes under 50.54(q) a voluntary relaxation of current requirements and is ....’
32. On page 32, paragraph 2 of the indented text, revise line 4 to read ‘ ... by the NRC prior to implementation if: ....’ Revise line 9 to read ‘ ... change to an EAL that does not require without NRC approval, ....’
33. On page 32, footnote 6, revise line 1 to read ‘ ... that share many of the following ....’  
Insert commas at the end of items a, b, and c. Revise item d. to read ‘ ... notification system, and/or ’.