

## Anderson, Joseph

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**From:** Anderson, Joseph  
**Sent:** Thursday, January 26, 2012 9:56 AM  
**To:** 'DRaleigh@CURTISSWRIGHT.com'  
**Cc:** LaVie, Steve; Kahler, Robert; Norris, Michael  
**Subject:** QUERY: 50.54(q) question for you

Ms. Raleigh:

Late in the publishing of the final guide, the NRC's Office of General Counsel revised Section D (Implementation) of Regulatory Guide (RG) 1.219, and in doing so, replaced the proposed resolution language.

The new language is largely boilerplate, but the text that appears to apply to the issue of the NRC requiring use of the guide is:

*If an existing licensee voluntarily seeks a license amendment or change and (1) the NRC staff's consideration of the request involves a regulatory issue directly relevant to this new or revised regulatory guide and (2) the specific subject matter of this regulatory guide is an essential consideration in the staff's determination of the acceptability of the licensee's request, the the staff may request that the licensee either follow the guidance of this regulatory guide or provide an equivalent alternative process that demonstrates compliance with the underlying NRC regulatory requirements.*

Bottom line: If a licensee changes its emergency plan, the staff considers previous guidance to be superseded if that guidance conflicts with the guidance in RG 1.219. RG 1.219 is the first guidance written for the amended 50.54(q) process that became effective on December 23, 2011. RIS 2005-02 (Revision 1) was published in April 2011 and was based on the then current 50.54(q). Licensees can use the guidance in RIS 2005-02 (Revision 1) as a supplement to RG 1.219 to the extent it doesn't conflict with the guidance in RG 1.219.

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**From:** Raleigh, Deann [mailto:DRaleigh@CURTISSWRIGHT.com]  
**Sent:** Wednesday, January 25, 2012 5:44 PM  
**To:** Anderson, Joseph  
**Subject:** FW: 50.54(q) question for you

Dear Joe,

Scott Morris suggested I contact you regarding a question I have on 50.54(q). It has to do with whether RG 1.219 is a stand-alone document that supersedes RIS 2005-02.

I found the attached comment resolution for the draft Reg Guide 1.219 which provide a documented NRC basis for my belief that Reg Guide 1.219 was written to stand alone without RIS 2005-02 (see NRC response to the first two comments on page 15). The following is the excerpt (see bolded):

**Comment:** A commenter stated that the NRC does not reference RIS 2005-02, Rev. 0, in the References section of the draft Regulatory Guide. The commenter urged that absence of this revision or draft Revision 1 leads to conflicting guidance. [0102]

**NRC Response:** The NRC agrees in part with the commenter. **Section D of the final guide was revised to state that the final guide supersedes all generic communications issued before the effective date of this guide, which includes RIS 2005-02, Revision 0.** RIS 2005-02, Revision 1, was prepared to address, in the interim time period until the final guide was published, the use of license amendment submittals as the mechanism for requesting approval for changes that reduce the effectiveness of the emergency plan. Section D of the guide states that RIS 2005-02, Revision 1, may be used in conjunction with this guide to the extent that it does not conflict with the regulatory positions of this guide. Since neither regulatory issue summary was used in the preparation of the final guide, their inclusion in the "References" is unnecessary. Changes were made to the guidance document in response to this comment.

However, the NRC proposed resolution in Section D of the Reg Guide did not make it to the Reg Guide published in ADAMs (see attached). Is this an oversight?

Thanks!

Deann

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