



Changes to 10 CFR 50.54(q) for Emergency Plans

Alexander Adams Jr.
Senior Project Manager

Research and Test Reactor Program
Office of Nuclear Reactor Regulation

Making Changes to E-Plans

Historical Context

■ E Plan development

- 10 CFR 50.34(a)(10) at CP stage requires discussion of preliminary plans and 10 CFR 50.34(b)(6)(v) at OL stage requires discussion of plans for coping with emergencies. Items in plans are set forth in 10 CFR Part 50 Appendix E.
- Appendix E allows case-by-case application of requirements.

■ E Plan change management process

- The change process of 10 CFR 50.54(q) was established to allow licensees make minor changes to their E-plans without NRC prior approval.
- 10 CFR 50.54(q) was recently (12/2011) amended
- Intended to address minor changes such as:
 - Telephone number changes
 - Position title changes

Making Changes to E-Plans

10 CFR 50.54(q)

- 50.54(q) is a condition of all RTR licenses issued under Part 50.
- Requires licensees to follow and maintain their E-plan.
- Provides a E-plan change process.
- Establishes conditions under which the licensee may make a change.
 - Without prior NRC approval
 - With prior NRC approval
- Establishes requirements for change documentation and reporting.

Making Changes to E-Plans

10 CFR 50.54(q)(1)

(q) *Emergency plans.*

(1) Definitions for the purpose of this section:

- (i) **Change** means an action that results in modification or addition to, or removal from, the licensee's emergency plan. All such changes are subject to the provisions of this section except where the applicable regulations establish specific criteria for accomplishing a particular change.
- (ii) **Emergency plan** means the document(s), prepared and maintained by the licensee, that identify and describe the licensee's methods for maintaining emergency preparedness and responding to emergencies. An emergency plan includes the plan as originally approved by the NRC and all subsequent changes made by the licensee with, and without, prior NRC review and approval under paragraph (q) of this section.

Making Changes to E-Plans

10 CFR 50.54(q)

(q) *Emergency plans.*

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- (iii) **Emergency planning function** means a capability or resource necessary to prepare for and respond to a radiological emergency, as set forth in the elements of section IV. of appendix E to this part **and, for nuclear power reactor licensees, the planning standards of § 50.47(b).**
- (iv) **Reduction in effectiveness** means a change in an emergency plan that results in reducing the licensee's capability to perform an emergency planning function in the event of a radiological emergency.

Making Changes to E-Plans

10 CFR 50.54(q)

(q) *Emergency plans.*

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- (2) A holder of a license under this part, or a combined license under part 52 of this chapter after the Commission makes the finding under § 52.103(g) of this chapter, shall follow and maintain the effectiveness of an emergency plan that meets the requirements in appendix E to this part and, for nuclear power reactor licensees, the planning standards of § 50.47(b).
- (3) The licensee may make changes to its emergency plan without NRC approval only if the licensee performs and retains an analysis demonstrating that the changes do not reduce the effectiveness of the plan and the plan, as changed, continues to meet the requirements in appendix E to this part and, for nuclear power reactor licensees, the planning standards of § 50.47(b).

Making Changes to E-Plans

10 CFR 50.54(q)

(q) *Emergency plans.*

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- (4) The changes to a licensee's emergency plan that reduce the effectiveness of the plan as defined in paragraph (q)(1)(iv) of this section may not be implemented without prior approval by the NRC. A licensee desiring to make such a change after February 21, 2012 **shall submit an application for an amendment to its license.** In addition to the filing requirements of §§ 50.90 and 50.91, the request must include all emergency plan pages affected by that change and must be accompanied by a forwarding letter identifying the change, the reason for the change, and the basis for concluding that the licensee's emergency plan, as revised, **will continue to meet the requirements in appendix E to this part and, for nuclear power reactor licensees, the planning standards of § 50.47(b).**

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10 CFR 50.54(q)

(q) *Emergency plans.*

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- (5) The licensee shall retain a record of each change to the emergency plan made **without prior NRC approval** for a period of three years from the date of the change and shall submit, as specified in § 50.4, a report of each such change made after February 21, 2012, **including a summary of its analysis**, within 30 days after the change is put in effect.
- (6) **The nuclear power reactor licensee shall retain the emergency plan and each change for which prior NRC approval was obtained pursuant to paragraph (q)(4) of this section as a record until the Commission terminates the license for the nuclear power reactor.**

Making Changes to EALs

10 CFR Part 50 Appendix E, IV.B.2

IV. Content of Emergency Plans

B. Assessment Actions

1. * * *
2. A licensee desiring to change its **entire** emergency action level scheme shall submit an **application for an amendment to its license** and receive NRC approval before implementing the change. Licensees shall follow the change process in § 50.54(q) **for all other emergency action level changes.**

Making Changes to E-Plans

10 CFR 50.54(q)

- The change process in 10 CFR 50.54(q) comes into play once the licensee **decides** to change **its** emergency plan—an **intentional** act on the part of the licensee.
- A intentional or unintentional modification or unavailability of resources identified in the plan does **not** trigger §50.54(q)(3), until the language of the plan is to be changed.
- Examples:
 - Volunteer fire department relied upon in the licensee's plan disbands.
 - An error is made in calibrating a radiation monitor identified in an EAL.
- The licensee still needs to meet §50.54(q)(2) “follow and maintain the effectiveness” requirement.

Making Changes to E-Plans

Two-prong Test

- 50.54(q) establishes a facility-specific, two-prong test:
 - The E-plan as revised must continue to meet requirements in Appendix E.
 - The change may not decrease the effectiveness of the E-plan.
- If the change fails either test, prior NRC approval is required.
- Why two tests?
 - Regulations are broadly worded to encompass all possible situations.
 - During licensing, licensees may have had to address site-specific constraints and vulnerability that other facilities may not have had to address.

Making Changes to E-Plans

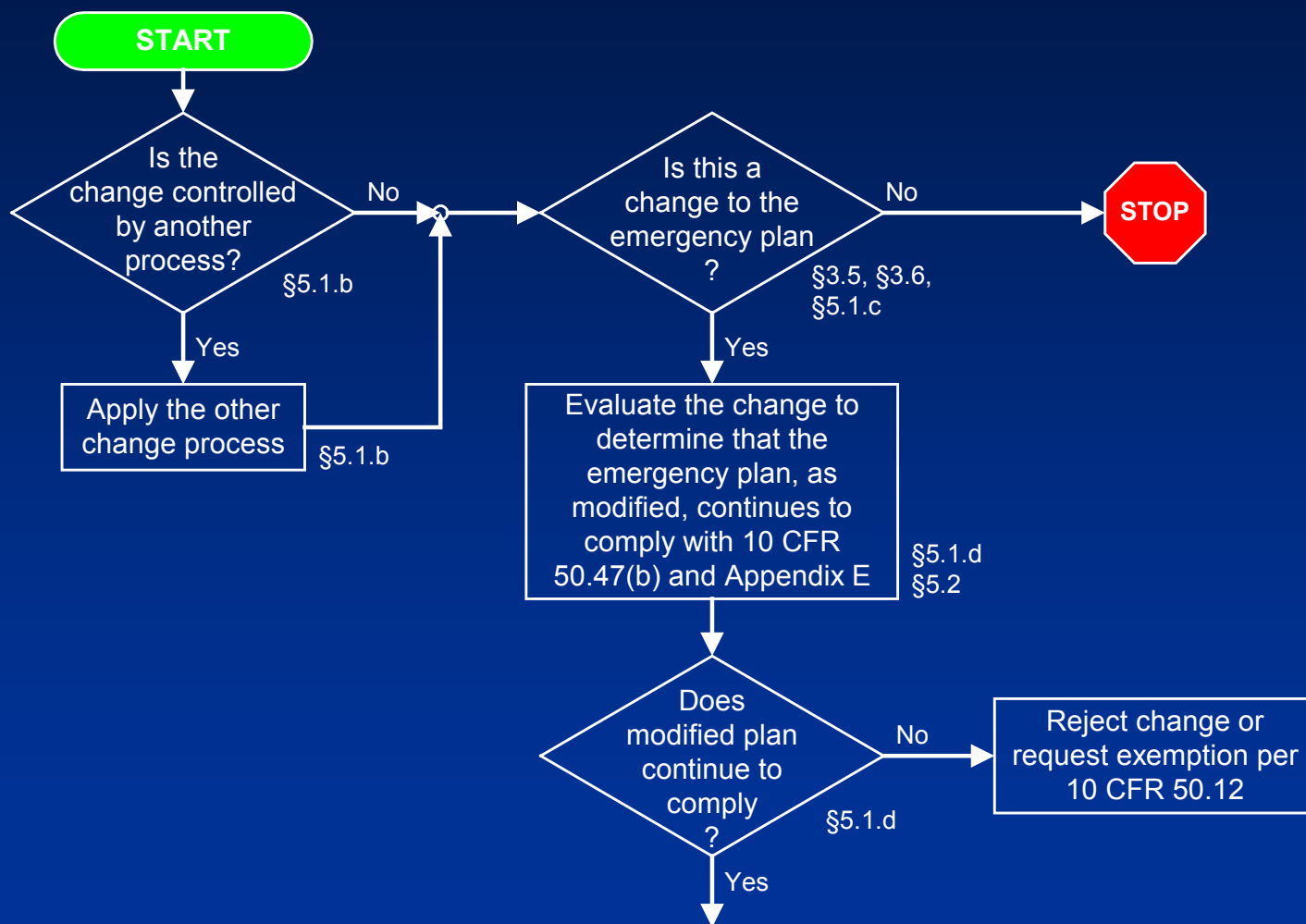
Examples of Possible RIEs

- Reduction in response capabilities.
- Increase in staff augmentation times.
- Delay in response capabilities.
- Have negative impact on classification, notification or protective action recommendations.
- Reduce shift or augmented staffing.
- Changes to or deleting EALs such that an emergency condition would not be declared.

Making Changes to E-Plans Guidance

- Regulatory Guide 1.219, “Guidance on Making Changes to Emergency Plans for Nuclear Power Reactors”
- RIS 2005-02, Rev. 1, April 19, 2011
 - Issued to:
 - Clarify the meaning of “reduction in effectiveness.”
 - Clarify the process for evaluating proposed changes.
 - Provide a method for evaluating proposed changes.
 - Provide clarify guidance on content and format of applications for approval.
 - Addressed to RTR licensees
 - May be helpful for Part 70, 72, 76, 40 licensees required to have an E-plan.

Making Changes to E-Plans



Making Changes to E-Plans

