

## EPFAQ 2014-004 Draft Response

### Question:

Since the emergency preparedness function associated with the fire brigade will be maintained by meeting 10 CFR 50.48 objectives for a decommissioned site, can the changes to the fire protection plan associated with brigade staffing and offsite fire protection support also be reflected in the emergency plan without NRC preapproval using the 10CFR 50.54(q) process?

### Background

Language in 10 CFR 50.48(f) allows changes to a Fire Protection Plan for licensees that have submitted the certification required under 10 CFR 50.82(a)(1). Specifically, 10 CFR 50.48(f)(3) states:

“The licensee may make changes to the fire protection program without NRC approval if these changes do not reduce the effectiveness of fire protection for facilities, systems, and equipment that could result in a radiological hazard, taking into account the decommissioning plant conditions and activities.”

Within the 10 CFR 50.48 regulation, decommissioning plants are allowed to re-evaluate the fire protection plan and when justified by the remaining potential fire induced radiological hazards change the fire brigade from a five member advanced exterior or interior structural brigade to a three member incipient fire brigade. Based upon the evaluation, offsite fire protection support maybe modified to ensure the three 10 CFR 50.48(f) objectives, listed below, continue to be met.

1. Reasonably prevent fires
2. Rapidly detect, control, and extinguish fires that could result in a radiological hazard
3. Minimize the risk of fire-induced radiological hazards to the public

Since the firefighting function is maintained, the brigade changes in question would conform to 10 CFR 50.48 and not challenge safety for decommissioned plants that have received Cessation of Operation Letters.

### Proposed Solution:

As long as the emergency preparedness firefighting functional task is retained and all other emergency plan functions that had been performed by the two eliminated positions are retained without a reduction in effectiveness (evaluated against on-shift staffing study), the 10CFR50.54(q) process should enable conforming changes to the emergency plan based on fire protection plan changes to be administratively made using, without NRC prior approval. Examples of these specific changes if contained in the emergency plan include:

- Onsite Staffing Levels,
- Off-site response,
- Fire brigade composition.

### NRC Response:

Licensee-specific Fire Protection Programs are developed and maintained in accordance with 10 CFR 50.48. Sections (f)(2) and (f)(3) are as follows, emphasis added:

*(2) The licensee shall assess the fire protection program on a regular basis. The licensee shall revise the plan as appropriate throughout the various stages of facility decommissioning.*

*(3) The licensee may make changes to the fire protection program without NRC approval if these changes do not reduce the effectiveness of fire protection for facilities, systems, and equipment that could result in a radiological hazard, taking into account the decommissioning plant conditions and activities.*

10 CFR 50.54(q) is not applicable when licensees are considering revising their Fire Protection Program per 10 CFR 50.48, up to and including decommissioning. 10 CFR 50.54(q) applies only when emergency preparedness (EP) function(s) are assigned to staff already tasked with Fire Protection Program elements.

In other words, if the change(s) made to the Fire Protection Program change the assignment of EP functions, then a 10 CFR 50.54(q) evaluation must be performed. If no changes are made to the assignment of EP functions, then a 10 CFR 50.54(q) evaluation is not required, even if an Emergency Plan table is changed to reflect the revised Fire Protection Program staffing or response.