

## Markup of Transformative Change to 10 CFR 50.54(q)

(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.

~~(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.~~

{Removed unneeded definitions based on proposed changes below.}

(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~~its 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).

{Editorial change.}

(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).

{Removed "reduction in effectiveness" aspect. Licensee is responsible for maintaining compliance with planning standards and emergency plan requirements, and owns and manages "the margin" above compliance. If the licensee wanted to make a change that resulted in a non-compliance with § 50.47(b) or Appendix E, then they would enter the exemption process described in § 50.12, Specific exemptions.}

~~(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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{Removed unneeded paragraph based on proposed change above to #3; LARs for emergency plan changes would not be required under this proposal. The change here does not affect the requirements of 10 CFR 50, Appendix E, sections IV.B.2 (EAL scheme changes) and IV.E.8.b (locating an EOF > 25 miles from the site).}

~~(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~~(4) The licensee shall submit, as specified in § 50.4, a report of each change made after February 21, 2012, including a summary of its analysis, within 30 days after the change is put in effect, and shall retain the emergency plan and each change as a record until the Commission terminates the license.

{Changed record retention requirements to “life of plant” reflecting removal of “reduction in effectiveness;” all changes would be made without prior NRC approval and paperwork should be retained for subsequent inspections.}

~~(6) The nuclear power reactor licensee shall retain~~5) Changes to the emergency plan and each change for which prior NRC approval was obtained pursuant to paragraph (q)(4) of this section shall be regarded as a record until accepted by the Commission terminates NRC upon receipt of a letter to this effect from the licensee for appropriate reviewing office or, absent receipt of a letter to the nuclear power reactor, contrary, 180 days after submittal to the NRC, whichever occurs first.

{Proposing a new plan change approval process modeled on 10 CFR 50.54(a)(4)(iv); this approach would maintain staff oversight of emergency plan changes while also increasing the efficiency of the change process for both licensees and the NRC.}

(i) The NRC will determine the acceptability of emergency plan changes using guidance issued or endorsed by the NRC, and alternatives or exceptions approved by an NRC safety evaluation, provided that the bases of the NRC approval are applicable to the licensee's facility and emergency plan.

{Proposed text provides a regulatory “hook” that the staff will base their reviews on NUREG-0654 and related standards documents; this ensures that licensees understand what the change acceptability criteria will be. Also included “alternatives and exemptions” change basis modeled on 10 CFR 50.54(a)(3)(ii).}