

**NUCLEAR REGULATORY  
COMMISSION****Proposed Generic Communication; 10  
CFR 50.54(p) Process for Changes to  
Security Plans Without Prior NRC  
Approval**

**AGENCY:** Nuclear Regulatory  
Commission.

**ACTION:** Notice of opportunity for public  
comment.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is proposing to issue a generic letter to clarify the process for changes to security plans under the provisions of Section 54(p) of Part 50 of Title 10 of the Code of Federal Regulations (10 CFR 50.54(p)). The NRC is seeking comment from interested parties regarding both the technical and regulatory aspects of the proposed generic letter presented under the Supplementary Information heading. This proposed generic letter was endorsed by the Committee to Review Generic Requirements (CRGR) to be published for comment. The relevant information that was sent to the CRGR to support their review of the proposed generic letter will be made available in the NRC Public Document Room. The NRC will consider comments received from interested parties in the final evaluation of the proposed generic letter. The NRC's final evaluation will include a review of the technical position and, when appropriate, an analysis of the value/impact on licensees. Should this generic letter be issued by the NRC, it will become available for public inspection in the NRC Public Document Room.

**DATES:** Comment period expires on July 14, 1995. Comments submitted after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except for comments received on or before this date.

**ADDRESSES:** Submit written comments to Chief, Rules Review and Directives Branch, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Written comments may also be delivered to 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m., Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC.

**FOR FURTHER INFORMATION CONTACT:**  
Robert Skelton at (301) 415-3208.

**SUPPLEMENTARY INFORMATION:****NRC Generic Letter 95-XX: 10 CFR  
50.54(p) Process for Changes to Security  
Plans Without Prior NRC Approval***Addressees*

All holders of operating licenses and construction permits for nuclear power plants.

*Purpose*

The U.S. Nuclear Regulatory Commission (NRC) is issuing this generic letter to notify you of a clarification of the procedures used by licensees to process 10 CFR 50.54(p) changes to security plans. It is expected that recipients will review the information for applicability to their facilities and consider actions, as appropriate. However, suggestions contained in this generic letter are not NRC requirements; therefore, no specific actions or written response is required.

*Description of Circumstances*

On January 4, 1993, the Executive Director for Operations established a Regulatory Review Group (RRG). The RRG conducted a review of power reactor regulations and related processes, programs, and practices. One RRG recommendation was to change the current practice to enable licensees to make changes to their security plans without prior NRC approval (i.e., using the provisions of 10 CFR 50.54(p)). The plan developed by the staff for implementing RRG recommendations (SECY 94-003, January 4, 1994) was not to change the regulations, but to clarify the process by providing a screening criterion that would ensure consistency of security plan changes without prior NRC approval.

*Discussion*

Some confusion and inconsistencies have apparently occurred in the past regarding implementation of 10 CFR 50.54(p) by licensees without NRC approval. This generic letter restates the original criterion for judging the acceptability of changes made pursuant to 10 CFR 50.54(p). That criterion has allowed that the "test" for determining if a change decreases the effectiveness of the plan has been the determination that the overall effectiveness of the plan is not decreased. This generic letter clarifies the language in 10 CFR 50.54(p) that licensees shall "make no change which would decrease the effectiveness of a security plan, or guard training and qualification, \* \* \* or safeguards contingency plan."

The following is a clarification of this language. Changes that meet the

following screening criteria may be made without prior NRC approval.

- A change in any of the three security plans is deemed not to decrease the effectiveness of the plan if the change does not decrease the ability of the onsite physical protection system and security organization, as described in paragraphs (b) through (h) of 10 CFR 73.55, or equivalent measures approved under 10 CFR 73.55(a), to protect with high assurance against the design basis threat as stated in 10 CFR 73.1(a). The change cannot delete or replace any of the regulatory capabilities, as described in paragraphs (b) through (h) or in Appendixes B and C to 10 CFR Part 73.
- A change that increases the effectiveness of any plan.

Use of these screening criteria would allow licensees to reduce certain commitments that have exceeded regulatory requirements or published guidance if the overall effectiveness of the plan is not reduced. Each issue is reviewed against the overall assurance levels contained in the plan and not against the specific individual changes. Latitude has always existed in that improvements in one area of the program may offset reductions in other areas. Overall assurance levels of the plans must be maintained, and this clarification is not intended to reduce plan commitments to levels less than the overall high-assurance objectives stated in 10 CFR 73.55(a).

NRC has expected that licensees would judiciously make the proper determination regarding 10 CFR 50.54(p) changes and implement those changes as permitted by the regulations. This position was the original intent of the Commission and remains so today. The NRC believes that, with the use of these screening criteria and expertise of the licensee staff, licensees should implement changes made pursuant to 10 CFR 50.54(p) without prior NRC approval.

Licensees should note that some of the safeguards-related regulatory guidance has become dated and superseded in recent years, and caution should be exercised by licensees when screening changes, particularly regarding specific guidance issues. The original intent of 10 CFR 50.54(p) has been to screen changes in terms of their overall impact on the security program. Guidance specified in NRC publications are not requirements and should not be interpreted as the only possible method for satisfying regulatory requirements. The screening criteria contained herein are the fundamental criteria necessary for determining the acceptability of a change made pursuant to 10 CFR 50.54(p). NUREG-0908, "Acceptance