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APR 15 1983

MEMORANDUM FOR: Joseph Scinto, Deputy Director  
 Hearing Division, ELD

FROM: Frank J. Miraglia, Assistant Director  
 for Safety Assessment  
 Division of Licensing, NRR

SUBJECT: EVALUATION OF LICENSEES' 10 CFR 50.54(p) REPORTS

Recently, representatives of the Standardization and Special Projects Branch, NRR, and the Fuel Facility and Power Reactor Safeguards Licensing Branches, NMSS, met to discuss our procedures for dealing with licensees' reports of changes to their security and safeguards contingency plans made pursuant to 10 CFR 50.54(p). During that meeting, several concerns and questions arose regarding NRC's obligations pursuant to 10 CFR 50.54(p) and related matters. These concerns and questions, on which we hereby request your views, follow.

10 CFR 50.54(p) allows licensees to make changes to their security and safeguards contingency plans without prior Commission approval if the changes do not decrease the safeguards effectiveness of the plans. 10 CFR 50.54(p) requires licensees making such changes to "furnish" the NRC with reports containing descriptions of the changes within two months after the changes are made.

In view of the above, we have the following questions:

1. Does 10 CFR 50.54(p) presume that the NRC will acknowledge receipt of the licensees' 10 CFR 50.54(p) submittals?
2. Does 10 CFR 50.54(p) presume that the NRC will review licensees' 10 CFR 50.54(p) submittals?
  - (a) Does 10 CFR 50.54(p) presume that the NRC will notify the licensees of the acceptability of those 10 CFR 50.54(p) changes which it has determined will not decrease the safeguards effectiveness of the licensees' plans?
  - (b) Does 10 CFR 50.54(p) presume that the NRC will notify the licensees of the unacceptability of those 10 CFR 50.54(p) changes which it has determined will decrease the safeguards effectiveness of their plans?

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- (c) What are the implications, if any, of no fees being required pursuant to 10 CFR 170 for reviews of licensees' 10 CFR 50.54(p) submittals?
- (d) What are the implications, if any, of the facts that no review is explicitly required, no response is routinely provided and no fees are charged for "processing" licensees' 10 CFR 50.59 submittals, the safety analog to 10 CFR 50.54(p) submittals?

Regarding a related matter, 10 CFR 2.790(d) and 10 CFR 73.21 provide that applicants'/licensees' physical protection and safeguards information respectively shall be withheld from public disclosure. Our present practice in responding to applicants'/licensees' correspondence containing such information is to include one of the following statements as appropriate:

Your letter of \_\_\_\_\_, contains safeguards information of a type specified in 10 CFR 73.21 and is, therefore, being withheld from public disclosure.

Your letter of \_\_\_\_\_, contains information of a type specified in 10 CFR 2.790(d) and is, therefore, being withheld from public disclosure.

In view of the above, we have the following questions:

- (1) Since the applicants/licensees have already determined that the information is of the types specified in 10 CFR 2.790(d) and/or 10 CFR 73.21 (as opposed to purported proprietary information, in which case the NRC makes the determination that it is proprietary), is it necessary for the NRC to advise the applicants/licensees that the information is of the types specified in 10 CFR 2.790(d) and/or 10 CFR 73.21 and is, therefore, being withheld from public disclosure.
- (2) If the answer to (1) above is no, is such practice recommended anyway as long as the NRC advises the applicants/licensees of the results of its review of their 10 CFR 50.54(p) submittals?

Original Signed By:

*W Russell for*  
 Frank J. Miraglia, Assistant Director  
 for Safety Assessment  
 Division of Licensing

cc: G. McCorkle  
 W. Brown

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