

April 8, 1983

Note to: J.B. Hopkins
From: J.R. Gray *JR*
Re: Summer Physical Security Plan

In a note to S. Goldberg dated April 1, 1983, you raise a question about the Summer physical security plan referenced in the facility operating license. Specifically, you note that the license currently references the physical security plan through amendment 6 of the plan although amendment 9 is now actually in effect and, ask "whether it is incorrect and/or misleading to have the license only list plan amendments through 6 when plan amendment 9 is in effect."

As you know, 10 CFR § 50.54(p) authorizes a licensee to make changes to its security plan or to its safeguards contingency plan without prior NRC approval provided that such changes do not decrease the effectiveness of the plans. Such changes to plans are permitted under the regulation despite the fact that the operating license may reference versions of the plans which do not reflect the most recent changes made pursuant to Section 50.54(p). Thus, because of this regulation, it is legally permissible for the Summer licensee, for example, to actually operate under a security plan changed through amendment 9, although the license references a plan only through amendment 6, provided that the unapproved changes in plan amendments 7, 8 and 9 do not decrease the effectiveness of the plans. It is not legally incorrect "to have the license only list plan amendments through 6 when plan amendment 9 is in effect."

The fact that the Summer license references a plan changed only through amendment 6 is not necessarily misleading. As you may note, the condition in the Summer license references the approved plan through amendment 6 (amendments 7, 8 and 9 are, as yet, not approved and need not be approved to be effective provided that those amendments did not decrease plan effectiveness). However, the license does not reflect the currently effective plans and it cannot be ascertained from the face of the license what version of the plan is in effect or that plans changed beyond amendment 6 are being implemented. This situation exists for nearly all licensed commercial reactors and is a consequence of the provisions of Section 50.54(p) which allows licensees to modify plans without having obtained license amendments. In an attempt to have licenses reflect the latest versions of security plans, the Staff does periodically amend security plan license conditions, in conjunction with unrelated license amendments, to include reference to the latest version of the plans. Since, in light of what Section 50.54(p) allows, the Staff generally could not legally require a licensee to apply for a license amendment every time the licensee amends its plans pursuant to Section 50.54(p), the current practice of periodically updating the

243

security plan reference in conjunction with an unrelated license amendment is probably the appropriate course to take.

J.R. Gray