13.0 SAFEGUARDS
13.1 PHYSICAL PROTECTION

13.1.1 CONDUCT OF REVIEW

This chapter of the revised draft Safety Evaluation Report (DSER) reviews the physical protection commitments made by the applicant in Chapter 13 of the revised Construction Authorization Request (CAR) and supplemental information provided by the applicant. The staff used applicable portions of NUREG-1718 as guidance in performing the review. The staff also reviewed the applicant's letter of March 8, 2002 (Reference 13.1.3.5), which responded to a request for information. The objective of the review is to determine whether the applicant has committed to developing and implementing a physical protection plan that meets the requirements in 10 CFR 73.20, 73.45, 73.46 and 10 CFR 73.46 Appendices B, C, G and H.

13.1.2 EVALUATION FINDINGS

The applicant committed to submit, as part of its application for a special nuclear materials (SNM) possession and use license: (1) a Physical Security Plan that meets the requirements of 10 CFR 73.20, 73.45, 73.46 and 10 CFR 73 Appendix B, "General Criteria for Security Personnel", Appendix C " Licensee Safeguards Contingency Plans," Appendix G, " Reportable Safeguards Events," and Appendix H, "Weapons Qualification Criteria;" and (2) a design that meets the design basis threat discussed in Reference 13.1.3.6. (Note that the attachments to this letter contain classified information and are not publicly available.) (Reference 13.1.3.5).

The staff concludes that the applicant has provided adequate commitments to submit, as part of its application for an SNM possession and use license, a physical security plan that will meet the applicable physical protection requirements in 10 CFR Part 73.

The Nuclear Regulatory Commission (NRC) is conducting a comprehensive review of safeguards programs and design basis threats as a result of the September 11, 2001, events. When this review is completed, a determination will be made with respect to the effect on the Mixed Oxide Fuel Fabrication Facility design.

13.1.3 REFERENCES

13.1.3.1 Code of Federal Regulations, *Title 10, Energy*, Part 20, "General Performance Objectives and Requirements for a Fixed Site Physical Protection System."

13.1.3.2 Code of Federal Regulations, *Title 10, Energy*, Section 73.45, "Performance Capabilities for Fixed Site Physical Protection Systems."

13.1.3.3 Code of Federal Regulations, *Title 10, Energy,* Section 73.46, "Fixed Site Physical Protection Systems, Subsystems, Components, and Procedures."

13.1.3.4 Nuclear Regulatory Commission (U.S.) (NRC). NUREG-1718, "Standard Review Plan for the Review of an Application for a Mixed Oxide (MOX) Fuel Fabrication Facility." NRC: Washington, D.C. August 2000.

13.1.3.5 Hastings, P., Duke Cogema Stone & Webster, letter to U.S. Nuclear Regulatory Commission, RE Clarification of Responses to NRC Request for Additional Information, March 8, 2002.

13.1.3.6 Weber, M., Nuclear Regulatory Commission (U.S.)(NRC), RE Design Basis Threat Guidance Applicable to the Mixed Oxide Fuel Fabrication Facility, March 13, 2000.