

January 19, 2010

MEMORANDUM TO: Peter Habighorst, Chief
Fuel Manufacturing Branch
Division of Fuel Cycle Safety and Safeguards
Office of Nuclear Material Safety and Safeguards

FROM: David Diec, Acting Chief */RA/*
Fuel Cycle and Transportation Security Branch
Division of Security Policy
Office of Nuclear Security and Incident Response

SUBJECT: TECHNICAL ASSISTANCE REQUEST, OREGON STATE
UNIVERSITY LICENSE APPLICATION DATED
OCTOBER 22, 2009. (DOCKET 70-7019) (TAC L32928)

The Office of Nuclear Material Safety and Safeguards (NMSS) requested the Office of Nuclear Security and Incident Response (NSIR) to review portions of the special nuclear material (SNM) license application submitted by Oregon State University (OSU) including: (a) Section 7, Emergency Procedures; and (b) Section 9, Title 10 of the *Code of Federal Regulations* (10 CFR) 73 Physical Protection of Plants and Materials. NSIR's Fuel Cycle Security and Transportation Branch (FCTSB) was specifically asked to review the physical protection plan. The other portion of NMSS' request is being reviewed by NSIR's Emergency Preparedness group.

OSU holds a license with the Nuclear Regulatory Commission (NRC) to operate a non-power research reactor under Part 50 and is applying for another to possess SNM under Part 70. Specifically, FCTSB was requested to review the physical security plan submitted under the Part 50 license (Docket 50-243) to verify that this plan adequately protects the SNM for licensing under Part 70. FCTSB staff did not locate a physical security plan with the license application. Upon further review of the Oregon State license, FCTSB staff concluded that OSU possesses low enriched material in quantities less than 10 kgs. In accordance with 10 CFR 73.67(a), OSU is not required to submit their physical protection plan for NRC approval. However, OSU is required to prepare and maintain a physical protection plan at their licensed facility which meets the requirements of 10 CFR 73.67 for SNM of low strategic significance. This plan should be available for NRC inspections at OSU.

We consider the FCTSB portion of the Technical Assistance Request closed. If you have any questions concerning this response, please contact Barry Wray at (301) 415-0232.

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