



Department of Energy

Washington, DC 20585

SEP 27 1993

Mr. Joseph J. Holonich, Director
Repository Licensing & Quality Assurance
Project Directorate
Division of High-Level Waste Management
Office of Nuclear Material Safety
and Safeguards
Washington, DC 20555

Dear Mr. Holonich:

In response to your letter of July 7, 1993, subject: Transmittal of Staff's Review Strategies for the Topics of Safeguards Certification, Physical Security Plan, and Material Control, let me set forth our understanding of the guidance you have provided us.

The discussion on the Safeguards Certification in our opinion remains rather broad. The document (page 2, Certification of Safeguards) states "The DOE is expected to identify facilities that it considers to be comparable and to identify the principal elements of those security and safeguards measures that are used to provide for common defense and security." Based on previous guidance provided to us by the Sherr to Desell letter of March 5, 1993, which states "Regarding your comments concerning 10 CFR 60.21(b)(3) and (4), it is expected that the level of physical security implemented at a geological repository site would not exceed that implemented at above-ground storage of comparable material."

In fact, the geologic repository operations area (GROA) does not have a comparable counterpart unless a Monitored Retrievable Storage Site (MRS) becomes operational. Therefore, it is our understanding that we should develop the Physical Security Plan for the GROA along with its Certification of Safeguards based upon the revisions to 10 CFR 73.50. As you are aware, 10 CFR 73.50 is presently being revised by the Office of Research based upon the request by the Division of Fuel Cycle Safety and Safeguards. When revised, the regulation along with its accompanying guidance document Nureg XXXX "Interim Licensing Criteria for the Evaluation of Physical Protection Plans for Certain Storage of Spent Fuel" will establish those safeguards capabilities necessary for physical protection at an MRS.

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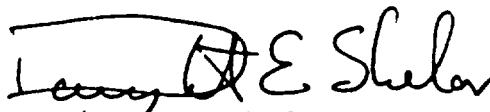
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We believe our understanding expressed above conforms to the guidance provided in your letter of July 7, 1993, in the enclosure chapter entitled, "Physical Security Plan," (page 3). It directs the NRC reviewer to use the provisions of 10 CFR 73 that apply to an independent spent fuel storage facility and a monitored retrievable installation as the criteria for review of DOE's physical security plan.

However, there appears to be a conflict with the intent between the chapters entitled Certification of Safeguards and Physical Security Plan. Throughout the Physical Security Plan chapter, the discussion concentrates on the protection against radiological sabotage. Yet, the Certification of Safeguards (page 2) states "It concerns DOE's safeguards plans and procedures intended to provide for the protection of classified information and material, and for the protection of nuclear materials against theft or diversion." We believe that the theft of spent nuclear fuel is not a realistic or probable event under any circumstances because we do not plan to emplace classified material in the first repository. It is our belief therefore that we need protect only against radiological sabotage. We believe this will place us in compliance with the revisions to 10 CFR 73.40. However, we would be receptive to any additional clarification on this point that you could provide.

We have begun to develop the physical security plans for our proposed facilities incorporating the above outlined approaches. We believe this meets the regulatory intent of your guidance. Therefore, any further comments you may have on the subject would be appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Dwight E. Shelor". The signature is written in a cursive, somewhat stylized font.

Dwight E. Shelor
Associate Director for
Systems and Compliance
Office of Civilian Radioactive
Waste Management

cc:
C. J. Haughney
Chief, Storage and Transport
System Branch, U.S. NRC

T. S. Sherr, Chief
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cc: .

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