

3.0 PROTECTION OF CLASSIFIED MATTER

3.1 PURPOSE OF REVIEW

The purpose of this review is to confirm that the applicant established and operates a security program to ensure that classified matter (i.e., National Security Information (NSI) and Restricted Data (RD)) is properly classified and protected in accordance with the requirements of 10 CFR Parts 25 and 95.

3.2 RESPONSIBILITY FOR REVIEW

Primary: Classified Matter Specialist

Secondary: Project Manager

Supporting: None

3.3 AREAS FOR REVIEW

The applicant's standard practice procedure plan for the protection of classified matter (Plan) should be submitted with the application for construction approval. The staff should review the applicant's Plan for an acceptable level of protection for using, processing, storing, reproducing, transmitting, transporting, classifying and safeguarding classified information.

3.4 ACCEPTANCE CRITERIA

3.4.1 Regulatory Requirements

The requirements applicable to protection of classified matter are contained in 10 CFR Parts 25 and 95 for the level of protection addressed in Section 3.3 as required by 10 CFR 70.22(m).

3.4.2 Regulatory Guidance

"Standard Practice Procedures Plan Standard Format and Content for the Protection of Classified Matter for NRC Licensee, Certificate Holder and Others Regulated by the Commission," dated October 1999, as revised.

3.4.3 Regulatory Acceptance Criteria

The adequacy of the applicant's Plan is based on compliance with 10 CFR Parts 25 and 95. The information provided by the applicant should be of sufficient depth to allow the staff to evaluate the adequacy and appropriateness of the applicant's Plan. Acceptance is based on the verification that the applicant has committed to provide in the Plan a detailed description of the proposed security procedures and controls for the protection of classified matter and to

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follow such procedures. These security procedures and controls are based on the requirements of 10 CFR Parts 25 and 95.

3.5 REVIEW PROCEDURES

3.5.1 Acceptance Review

The primary reviewer should perform an acceptance review to determine if the application for construction approval adequately addresses the specific items in Section 3.3, "Areas of Review." If the primary reviewer verifies that the protection of classified matter is adequately addressed, the primary reviewer should accept the application for the safety evaluation in Section 3.5.2. If the primary reviewer identifies significant deficiencies in the material provided, the primary reviewer should request that the applicant submit additional information prior to the start of the safety evaluation.

3.5.2 Safety Evaluation

After determining that the application is acceptable for review in accordance with Section 3.5.1, the primary reviewer should perform a safety evaluation against the acceptance criteria described in Section 3.4. On the basis of its review, the staff may request that the applicant provide additional information or modify the application to meet the acceptance criteria in SRP Section 3.4.

The primary reviewer should verify that sufficient information has been provided in the application for construction approval to satisfy the intent of 10 CFR Parts 25 and 95 requirements with respect to the Plan and that the information provided is consistent with the guidance in this SRP chapter. The primary reviewer should determine if the applicant has provided sufficient information to assess whether the applicant can use, process, store, reproduce, transmit, transport, or destroy NSI and/or RD in connection with NRC activities, in a manner that will provide adequate protection and prevent unauthorized access. The primary reviewer should verify that the applicant will not be using, processing, storing, reproducing, transmitting, classifying, transporting, or destroying Top Secret information since no such information is authorized under Part 95.

If the primary reviewer concludes in the safety evaluation for the application for construction approval that the applicant has met Parts 25 and 95 relating to classified matter protection, the primary reviewer does not need to repeat the review as part of the safety evaluation for the license application.

3.6 EVALUATION FINDINGS

The primary reviewer should document the safety evaluation by preparing material suitable for inclusion in the Safety Evaluation Report (SER). The primary reviewer should describe the review, explain the basis for the findings, and state the conclusions.

The staff could document the safety evaluation for the application for construction approval as follows:

The staff reviewed the standard practice procedures plan for the protection of classified matter (Plan) for [name of facility] according to Chapter 3.0 of NUREG-1718. On the basis of the following finding, the staff concludes that the Plan is acceptable for implementation.

[State what was reviewed and why it was acceptable.]

The applicant adequately described and documented the protection of classified matter and has provided a plan to address those parts of 10 CFR Parts 25 and 95 relating to classified matter protection. Meeting the staff's requirements as given above provides an acceptable basis for the finding that, insofar as classified matter protection is concerned, the applicant meets the applicable requirements within Parts 25 and 95.

3.7 REFERENCES

- A. Code of Federal Regulations, Title 10, Part 25, *Access Authorization for Licensee Personnel*, U.S. Government Printing Office, Washington, DC.
- B. Code of Federal Regulations, Title 10, Part 70, *Domestic Licensing of Special Nuclear Material*, U.S. Government Printing Office, Washington, D.C., 1999.
- C. Proposed 10 CFR Part 70, "Domestic Licensing of Special Nuclear Material; Possession of a Critical Mass of Special Nuclear Material." 64 FRN 41338, July 30, 1999.
- D. Code of Federal Regulations, Title 10, Part 95, *Security Facility Approval and Safeguarding of National Security Information and Restricted Data*, U.S. Government Printing Office, Washington, DC.
- E. "*Standard Practice Procedures Plan Standard Format and Content for the Protection of Classified Matter for NRC Licensee, Certificate Holder and Others Regulated by the Commission*," dated October 1999, as revised.