

13.0 SECURITY AND SAFEGUARDS

13.1 MATERIAL CONTROL AND ACCOUNTING

13.1.1 Purpose of Review

The purpose of this review is to establish that the Fundamental Nuclear Material Control Plan (FNMCP) submitted by the applicant is adequate to detect the loss or theft of special nuclear material by describing how the plan meets the nine general performance objectives of 10 CFR 74.33 for material control and accounting (MC&A).

13.1.2 Responsibility for Review

Primary: Material Control and Accounting Specialist

Secondary: Certification Project Manager

Supporting: Resident Inspector Staff

13.1.3 Areas of Review

This section of the Standard Review Plan (SRP) is written to direct the review of an application for certification renewal with regard to security and safeguards. Section 76.36(c) of 10 CFR requires that the application for renewal reference information from previous applications, statements, or reports filed with the Commission, provided that the reference is clear and specific; and contain any proposed changes in the existing certificate of compliance and, for example, any proposed changes in the FNMCP.

13.1.4 Review Procedures

13.1.4.1 Acceptance Review

The staff review should start with the primary reviewer's determination that sufficient information has been provided in the contents of the application to satisfy the requirements in 10 CFR 76.35, "Contents of Application," and 10 CFR 76.36, "Renewals," with respect to MC&A for gaseous diffusion plants (GDPs)—see SRP Section 13.1.5.1, "Regulatory Requirements"—and that the topics discussed in SRP Section 13.1.3, "Areas of Review," have been addressed.

If significant deficiencies are identified in the application, the applicant should be requested to submit additional material before the staff resumes the application review.

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13.1.4.2 Evaluation

The primary reviewer should review the MC&A management structure to ensure (a) clear overall responsibility for MC&A functions, (b) independence of MC&A management from production responsibilities, (c) separation of key MC&A responsibilities from each other, (d) use of approved written MC&A procedures, and (e) periodic review of these procedures.

The primary reviewer should review the measurement program of SM and SNM to ensure that all candidates of SM and SNM in accounting records are based on measured values.

The primary reviewer should review the measurement control program to ensure that (a) measurement biases are estimated, minimized through implementation of the program, and eliminated (if statistically significant) from inventory difference values of record, (b) all MC&A measurement systems are controlled so that twice the standard error of the inventory difference, based on all measurement contributions, is less than the greater of 5,000 grams of U-235 or 0.25 percent of the active inventory for each total plant material balance, and (c) any measurements performed under contract are controlled so that the applicant can satisfy the requirements of 3(a) and 3(b).

The primary reviewer should review the physical inventory program to ensure that it provides for (a) performing (unless otherwise required to satisfy 10 CFR Part 75) a dynamic (i.e., nonshutdown) physical inventory of all in-recess uranium and U-235 at least every 65 days and performing a static physical inventory of all other uranium and U-235 contained in enriched, normal, and depleted uranium located outside or inside the enrichment processing equipment at least every 370 calendar days (with static physical inventories being conducted in conjunction with a dynamic physical inventory of in-process uranium and U-235 so as to provide a total plant material balance at least every 370 calendar days), and (b) reconciling and adjusting the book inventory to the results of the static physical inventory and resolving, or reporting an inability to resolve, any inventory difference rejected by a statistical test (which has a 90-percent power of detecting a discrepancy of a quantity of U-235 established by the NRC on a site-specific basis) within 60 days after the start of each static physical inventory.

The primary reviewer should review the detection program to determine if the program is independent of production and it provides a high degree of assurance of detecting (a) production of uranium enriched to 10 wt% or more in U-235 to the extent that SNM of moderate strategic significance could be produced within 370 calendar days, (b) production of uranium enriched to 20 wt-percent or more in U-235, and (c) unauthorized production or uranium of low strategic significance.

The primary reviewer should review the item control program to determine it will assure that (a) current information is maintained for items with respect to identity, uranium and U-235 content, and stored location, and (b) items are stored and handled, or subsequently measured, in a manner so that the amount of U-235 involved in any unauthorized removal of items, or uranium from items, greater than 500 grams of U-235 will be detected. Exempted from 6(a) and 6(b) are applicant-identified items each containing less than 500 grams of U-235 up to a cumulative total of 50 kilograms of U-235 and items existing for less than 14 calendar days.

The primary reviewer should review the resolution program to determine it assures that any SRDs are resolved that are statistically significant and exceed 500 grams of U-235 on (a) an individual batch basis, and (b) a total shipment basis for all SM and SNM.

The primary reviewer should review the audit or assessment program to determine that it (a) independently assesses the effectiveness of the MC&A system at least every 24 months, (b) documents the results of the above assessment, (c) documents management's findings on whether the MC&A system is currently effective, and (d) documents any actions taken on recommendations from prior assessments.

The primary reviewer should review the description of the recordkeeping program to determine that the program should establish records that will demonstrate that the performance objectives of 10 CFR 74.33 have been met and that the program will maintain those records in an auditable form, available for inspection, for at least 3 years, unless longer retention time is required by 10 CFR Part 75. The program must specify in what form those records will be kept.

On the basis of its review, the staff may request that the applicant provide additional information or modify the submittal to meet the acceptance criteria in SRP Section 13.1.5.

The final step in the review is the primary staff reviewer's writing of a Compliance Evaluation Report (CER) that summarizes the conduct of the review, identifies what material in the application forms the basis for a finding of reasonable assurance with respect to the acceptance criteria, and presents the bases for certificate conditions that may be necessary to conclude that reasonable assurance is achieved.

13.1.5 Acceptance Criteria

The regulatory requirements, regulatory guidance, and regulatory review criteria applicable to this SRP are listed in the following sections.

13.1.5.1 Regulatory Requirements

Section 76.36(c) of 10 CFR requires that the application for renewal reference information from previous applications, statements, or reports filed with the Commission, provided that the reference is clear and specific; and contain any proposed changes in the existing certificate of compliance and, for example, any proposed changes in the FNMCP.

13.1.5.2 Regulatory Guidance

Nuclear Regulatory Commission (U.S.) (NRC). Regulatory Guide 5.6.7, "Material Control and Accounting for Uranium Enrichment Facilities Authorized to Produce Special Nuclear Material of Low Strategic Significance." NRC: Washington, D.C. December 1993.

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13.1.5.3 Regulatory Review Criteria

The staff should use the following regulatory review criteria, or information demonstrating acceptable alternatives, in its review of the application, where acceptability should be based on the following:

13.1.5.3.1 Performance Objectives

Performance objectives and associated general system features and capabilities are acceptable if they meet the format and criteria specified on pages 3 to 7 of NUREG/CR-5734, dated November 1991. Using a risk-informed, performance-based approach, reviewers should give high priority to the detection program, which should provide high assurance of detecting both illicit production of enriched uranium and unauthorized removal, including possible theft or diversion.

13.1.5.3.2 Organization

The applicant's organization for developing and implementing the MC&A program, including procedures and training and qualification programs, are acceptable if it meets the format and criteria specified in Section 1 of NUREG/CR-5734, November 1991. The organization's management structure particularly should demonstrate the separation or overchecks built into the system. In addition, it should address interactions between the two GDPs, which work together in transferring nuclear material.

13.1.5.3.3 Procedures

Procedures are acceptable if they meet the format and criteria specified in Section 1.3.2 of NUREG/CR-5734, November 1991. In addition, procedures should address special problems that might arise between the two GDPs working together in transferring nuclear material, such as a shorter term measurement bias and its effects on inventories, transfers, loss indicators, and investigations.

13.1.5.3.4 Measurements

Measurement programs are acceptable if they meet the format and criteria specified in Section 2 of NUREG/CR-5734, November 1991. Additional applicable acceptance criteria are listed in Section 2.5 of NUREG-1065, Rev. 2, November 1995.

13.1.5.3.5 Measurement Control

Measurement control programs are acceptable if they meet the format and criteria specified in Section 3 of NUREG/CR-5734, November 1991. Additional applicable acceptance criteria are listed in Section 3.6 of NUREG-1065, Rev. 2, November 1995. Furthermore, interactions between the two GDPs, working together in transferring nuclear material, should be considered in the identification, control, and investigation of bias effects. The applicant needs to demonstrate the adequacy of annual (or other rate) updating of key measurement variances.

13.1.5.3.6 Statistics

Statistics programs are acceptable if they meet the format and criteria specified in Section 4 of NUREG/CR-5734, November 1991. Bias correction acceptance criteria, which are not covered by NUREG-5734, are provided in Section 4.3 of NUREG-1065, Rev. 2, November 1995.

13.1.5.3.7 Physical Inventories

Physical inventories are acceptable if they meet the format and criteria specified in Section 5 of NUREG/CR-5734, November 1991. Additional applicable acceptance criteria are listed in Section 5.7 of NUREG-1065, Rev. 2, November 1995, particularly in the use of sampling plans, in estimating residual holdup, and in determining detection quantities for inventory difference response action levels. Section 5.4 of NUREG/CR-5734 addresses the need for the FNMCP to contain sufficient information showing how the total in-process inventory for both uranium and U-235 is obtained. This includes a key description of the dynamic inventory methodology, including cutoff and inventory minimization procedures, particularly those cases involving higher than expected enrichments and the traceability and documentation of software for calculating cascade inventories.

13.1.5.3.8 Item Control

Item control measures are acceptable if they meet the format and criteria specified in Section 6 of NUREG/CR-5734, November 1991. More specific applicable acceptance criteria are listed in Section 6.7 of NUREG-1065, Rev. 2, November 1995, e.g., regarding the detection of falsification, information on the chemical form and quantity of material, the updating of item records, and exemptions.

13.1.5.3.9 Shipper-Receiver Comparisons

The program for shipper-receiver comparisons is acceptable if it meets the format and criteria specified in Section 7 of NUREG/CR-5734, November 1991, and the acceptance criteria in Section 7.5 of NUREG-1065, Rev. 2, November 1995, particularly hypothesis tests for detecting and acting on significant SRDs on the basis of both individual transfers and trends over a series of shipments. Particular attention should be given to interactions between the two GDPs working together in transferring nuclear material, especially biases that could affect inventory difference determinations at both facilities. Special attention should be given to the power of sampling plans used to determine receipt quantities, particularly in assuring the detection of significant uranium or U-235 content shifts for either an extended or shorter time, particularly in the absence of stable conditions.

13.1.5.3.10 Assessment and Review of the Material Control and Accounting Program

The program for assessing and reviewing the MC&A program is acceptable if it meets the format and criteria specified in Section 8 of NUREG/CR-5734, November 1991, as well as the acceptance criteria specifically listed in Section 8.4 of NUREG-1065, Rev. 2, November 1995.

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The selection of assessment team members assures independence, especially if they are including members of the MC&A staff from the other GDP.

13.1.5.3.11 Program for Precluding and Detecting Unauthorized Production of Enriched Uranium

The program for precluding and detecting the unauthorized production of enriched uranium is acceptable if it meets the format and criteria specified in Section 9 of NUREG/CR-5734, November 1991, and detection criteria in Section 85505-03.03 of K/ITP-478. Scenarios include potential SNM withdrawal/removal paths where resulting diversion path analyses would provide a framework for an overall risk-informed, performance-based MC&A program.

13.1.5.3.12 Resolving Indications of Unauthorized Production of Enriched Uranium and of Missing Uranium

The program for resolving indications of missing uranium and of the unauthorized production of enriched uranium is acceptable if it meets the format and criteria specified in Section 10 of NUREG/CR-5734, November 1991. In addition, the certificate holder has ready and provides informational aid for assisting in investigations and the recovery of missing uranium or for assisting in the investigation of unauthorized enrichment, as stipulated in Section 11 of NUREG/CR-5734, November 1991.

13.1.5.3.13 Recordkeeping

The program for recordkeeping is acceptable if it meets the format and criteria specified in Sections 11 and 12 of NUREG/CR-5734, November 1991, which, for example, includes overchecks for detecting missing or falsified data and records, and reports including the assurance of the integrity of computerized information systems and calculations. In addition, acceptance criteria in Section 11.3 of NUREG-1065, Rev. 2, November 1995, should be met, particularly required systems capabilities for tracing records back to original source data.

13.1.6 Evaluation Findings

The staff's review should verify that sufficient information has been provided in the application to satisfy the intent of requirements in 10 CFR 76.35, "Contents of Application," and 10 CFR 76.36, "Renewals," with respect to the material control and accounting and that the information provided is consistent with the guidance in this SRP. On the basis of this information, the staff should be able to conclude that this evaluation is complete.

The staff could document the evaluation for the application as follows:

The staff has reviewed the performance objectives and general system features and capabilities for [name of facility] according to SRP Section 13.1.3., 13.1.4. and 13.1.5. The applicant has adequately described and documented performance objectives and associated system features and capabilities, and the staff finds that the applicant is in

compliance with 10 CFR 76.36, relative to performance objectives and general system features. Moreover, the applicant meets objectives specified in K/ITP-478, July 1992, viz. Inspection Objectives 85501-01 to 85509-01.

The staff has reviewed the organization for [name of facility] according to SRP Section 13.1.5.3.2. The applicant has adequately described and documented this organization, and the staff finds that the applicant is in compliance with 10 CFR 76.36, relative to organization. Moreover, the applicant meets management structure criteria specified in Section 85501-03.03 on pages 2-11 of K/ITP-478, July 1992.

The staff has reviewed the procedures for [name of facility] according to SRP Section 13.1.5.3.3. The applicant has adequately described and documented facility procedures, and the staff finds that the applicant is in compliance with 10 CFR 76.36, relative to procedures. Moreover, the applicant meets procedures criteria for major MC&A functions in Section 85501-03.0328 of K/ITP-478, July 1992.

The staff has reviewed the measurement systems programs for [name of facility] according to SRP Section 13.1.5.3.4. The applicant has adequately described and documented measurements to be performed, and the staff finds that the applicant is in compliance with 10 CFR 76.36, relative to measurement systems programs. Moreover, the applicant meets measurements criteria in Section 85502-3.03 on pages 14 to 19 of K/ITP-478, July 1992.

The staff has reviewed the measurement control programs for [name of facility] according to SRP Section 13.1.5.3.5. The applicant has adequately described and documented measurement control, and the staff finds that the applicant is in compliance with 10 CFR 76.36, relative to measurement control programs. Moreover, the applicant meets measurement control criteria in Section 85503-03.03 on pages 22 to 29 of K/ITP-478, July 1992.

The staff has reviewed the statistics program for [name of facility] according to SRP Section 13.1.5.3.6. The applicant has adequately described and documented the statistics program, and the staff finds that the applicant is in compliance with 10 CFR 76.36, relative to the statistics program. Moreover, the applicant meets statistical criteria specified in relevant sections of K/ITP-478, July 1992, particularly Sections 85503-03.0326 for calculating standard deviations, 85504-03.0324 for establishing control limits, 85504-03.0325 for trend analyses, and 85504-03.0326 for inventories.

The staff has reviewed the physical inventory program for [name of facility] according to SRP Section 13.1.5.3.7. The applicant has adequately described and documented the conduct of physical inventories, including response actions on resulting inventory differences, and the staff finds that the applicant is in compliance with 10 CFR 76.36, relative to the physical inventory program. Moreover, the applicant meets physical inventory criteria in Section 85504-03.03 on pages 33 to 40 of K/ITP-478, July 1992.

The staff has reviewed the item control program for [name of facility] according to SRP Section 13.1.5.3.8. The applicant has adequately described and documented item control

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measures, and the staff finds that the applicant is in compliance with 10 CFR 76.36, relative to the item control program. Moreover, the applicant meets item control criteria in Section 03.03 on pages 50 to 59 of K/ITP-478, July 1992.

The staff has reviewed the program for shipper-receiver comparisons for [name of facility] according to SRP Section 13.1.5.3.9. The applicant has adequately described and documented this program for shipper-receiver comparisons, and the staff finds that the applicant is in compliance with 10 CFR 76.36, relative to shipper-receiver comparisons. Moreover, the applicant meets criteria for shipper-receiver comparisons specified in Sections 03.0321 (Evaluation of SRDs) and 03.0322 (Resolution of SRDs) of K/ITP-478, July 1992. The latter (subparagraph 6) specifically calls for NRC verification that SRD data are subjected to trend analysis to detect measurement bias and/or cumulative material loss.

The staff has reviewed the program for assessing and reviewing the MC&A program for [name of facility] according to SRP Section 13.1.5.3.10. The applicant has adequately described and documented the Program for the Assessment and Review of the MC&A Program, and the staff finds that the applicant is in compliance with 10 CFR 76.36, relative to the MC&A program. Moreover, the applicant meets criteria in Section 85508-03.03 on pages 72 to 75 of K/ITP-478, July 1992.

The staff has reviewed the program for precluding and detecting the unauthorized production and withdrawal of enriched uranium for [name of facility] according to SRP Section 13.1.5.3.11. The applicant has adequately described and documented the program for precluding the unauthorized production and removal of enriched uranium, and the staff finds that the applicant is in compliance with 10 CFR 76.36, relative to the program for precluding and detecting the unauthorized production and withdrawal of enriched uranium. Moreover, the applicant meets criteria in Section 85505-03.03 on pages 42 to 48 of K/ITP-478, July 1992.

The staff has reviewed the program for resolving indications of missing uranium and of the unauthorized production of enriched uranium for [name of facility] according to SRP Section 13.1.5.3.12. The applicant has adequately described and documented the program for resolving indications of missing uranium and of the unauthorized production of enriched uranium, and the staff finds that the applicant is in compliance with 10 CFR 76.36, relative to the program for resolving indications of missing uranium and of the unauthorized production of enriched uranium. Moreover, the applicant meets criteria in Sections 85507-03.0323 to 85507-03.0327 on pages 64 to 70 of K/ITP-478, July 1992.

The staff has reviewed the program and controls for ensuring an accurate and reliable record system for [name of facility] according to SRP Section 13.1.5.3.13. The applicant has adequately described and documented the recordkeeping program, and the staff finds that the applicant is in compliance with 10 CFR 76.36, relative to the program and controls for ensuring an accurate and reliable record system. Moreover, the applicant meets criteria in Section 85509-03.03 on pages 78 to 82 of K/ITP-478, July 1992, which includes, for example, assurance as to the completeness and accuracy of physical inventory (NRC Form 327) and other reports.

On the basis of its review, the NRC staff concluded that the material control and accounting program is acceptable to support the recertification.

13.1.7 References

Code of Federal Regulations, *Title 10, Energy*, Part 74, "Material Control and Accounting of Special Nuclear Material."

Code of Federal Regulations, *Title 10, Energy*, Part 76, "Certification of Gaseous Diffusion Plants."

Department of Energy (U.S.) (DOE). DOE/ORO-2026, "Plan for Achieving Compliance with NRC Regulations at the Paducah Gaseous Diffusion Plant." DOE: Washington, D.C. April 1995

_____. DOE/ORO-2027, "Plan for Achieving Compliance with NRC Regulations at the Portsmouth Gaseous Diffusion Plant." DOE: Washington, D.C. April 1995

13.0 SECURITY AND SAFEGUARDS
13.2 PHYSICAL SECURITY AND TRANSPORTATION PROTECTION
OF SPECIAL NUCLEAR MATERIAL OF LOW STRATEGIC SIGNIFICANCE
AT GASEOUS DIFFUSION PLANT FACILITIES

13.2.1 Purpose of Review

The purpose of this review is to confirm that the applicant that has the authority to possess, use, or transport special nuclear material of low strategic significance (SNM-LSS) and has established a physical and transportation protection plan to protect the SNM-LSS from theft.

13.2.2 Responsibility for Review

Primary: Physical Protection Specialist

Secondary: Certification Project Manager

Supporting: Physical Protection Inspector

13.2.3 Areas of Review

The staff will review the applicant's submittal for an acceptable level of evidence of planning to prevent thefts of SNM-LSS.

13.2.4 Review Procedures

13.2.4.1 Acceptance Review

The staff review should start with the primary reviewer's determination that sufficient information has been provided in the contents of the application to satisfy the requirements in 10 CFR 76.35, "Contents of Application," and 10 CFR 76.36, "Renewals," with respect to physical and transportation protection for gaseous diffusion plant (GDP) facilities—see Standard Review Plan (SRP) Section 13.2.5.1, "Regulatory Requirements"—and that the topics discussed in SRP Section 13.2.3, "Areas of Review," have been addressed.

If significant deficiencies are identified in the application, the applicant should be requested to submit additional material before the primary reviewer starts the application review.

13.2.4.2 Evaluation

The staff will review the physical security and transportation protection of special nuclear material of low strategic significance submitted by the applicant using the general and specific procedures provided in the following sections.

On the basis of its review, the staff may request that the applicant provide additional information or modify the submittal to meet the acceptance criteria in SRP Section 13.2.5.

The final step in the review is the primary staff reviewer's writing of a Compliance Evaluation Report (CER) that summarizes the conduct of the review, identifies what material in the application forms the basis for a finding of reasonable assurance with respect to the acceptance criteria, and presents the bases for certificate conditions that may be necessary to conclude that reasonable assurance is achieved.

13.2.5 Acceptance Criteria

The regulatory requirements, regulatory guidance, and regulatory review criteria applicable to this SRP are listed in the following sections.

If the applicant should at any time increase its possession limits so that it possesses formula or moderate quantities of SNM, different regulations within Subpart E apply. Subpart E, 76.113 addresses formula quantities of SNM and 76.115 addresses moderate quantities of SNM. Regulatory requirements and guidance are the same for moderate quantities of SNM but different for formula quantities of SNM.

13.2.5.1 Regulatory Requirements

1. Sections 73.67(f) and 73.67(g) of 10 CFR describe the type of information to be included in the physical and transportation protection plans. The applicant must meet the general performance objectives of 10 CFR 73.67(a), submit a physical security plan per 10 CFR 73.67(c), and comply with the measures for physical protection of SNM-LSS as required by 10 CFR 73.67(f) for fixed sites, and (g) for in transit.
2. Section 73.71 of 10 CFR, "Reporting of Safeguards Events," describes how and when events should be reported and maintained.

13.2.5.2 Regulatory Guidance

1. Nuclear Regulatory Commission (U.S.) (NRC). Regulatory Guide 5.59, "Standard Format and Content for a Licensee Physical Security Plan for the Protection of Special Nuclear Material of Moderate or Low Strategic Significance." NRC: Washington, D.C.
2. Nuclear Regulatory Commission (U.S.) (NRC). Regulatory Guide 5.62, "Reporting of Physical Security Events." NRC: Washington, D.C.

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13.2.5.3 Regulatory Review Criteria

The staff should use the following regulatory review criteria or information demonstrating acceptable alternatives in its review of the application. Acceptability should be based on the following:

13.2.5.3.1 Storage or Use of Material

Acceptance is based on the verification that the applicant has committed to store or use the material within a controlled access area (CAA). The applicant describes:

1. The CAAs and their physical features and each CAA's normal routes of ingress and egress.
2. The means of providing control of the CAAs, including the means and criteria used at established control points for controlling access into the CAA.
3. The types of material used in each CAA.

13.2.5.3.2 Control of Access to a CAA

Acceptance is based on the verification that the applicant has committed to controlling personnel and vehicular access into the controlled access area to detect unauthorized penetrations or activities, or unauthorized removal of SNM-LSS from the CAA. The applicant describes:

1. Procedures for detecting and responding to unauthorized penetrations or activities. A description of any intrusion detection devices used, type of annunciation and location, and tamper-resistant features are included.
2. Procedures used for escorting uncleared visitors into CAAs.

13.2.5.3.3 Response to Unauthorized Entry

Acceptance is based on the verification that the applicant has committed to responding to unauthorized penetrations or activities in the CAA. The applicant describes the security organization that will be responsible for assessing and responding to any unauthorized penetrations or activities.

13.2.5.3.4 Response Procedures

Acceptance is based on the verification that the applicant has developed response procedures for dealing with threats of thefts or thefts of the SNM-LSS. The applicant commits to retaining a copy of the current response procedures as a record for 3 years after the close of the period for which the applicant possesses the special nuclear material. Copies of superseded material is retained for three years after each change. The applicant describes:

1. Events for which procedures will be developed.
2. Expected response for each event identified.
3. Expected duties and responsibilities of the security organization and management involved in the response.
4. Local law enforcement assistance available and any agreement made with them to respond.

13.2.5.3.5 Transportation Protection

Acceptance is based on the verification that the applicant has:

1. Procedures for advance notification for shipment and confirmation of arrival for each shipment of SNM-LSS.
2. Procedures for use of containers and seals, along with a description of the seals, during transport and inspections prior to shipment, and on receipt of shipments of SNM-LSS.
3. Arrangements for the in-transit physical protection of the SNM-LSS, and has response procedures for dealing with threats of theft or thefts of this material, and has made arrangements to conduct a trace investigation of any shipments that are lost or unaccounted for, and to notify the U.S. Nuclear Regulatory Commission (NRC) Operations Center within 1 hour after loss, recovery, or accounting for such lost shipment.

13.2.5.3.6 Export and Import Shipments

The reviewer verifies that if the applicant is planning to import or export SNM-LSS, the NRC has approved importing or exporting. The applicant complies with the appropriate requirements in SRP Section 13.2.5.3.5.

13.2.6 Evaluation Findings

The staff's review should verify that sufficient information has been provided in the application to satisfy the intent of requirements in 10 CFR 76.35, "Contents of Application," and 10 CFR 76.36, "Renewals," with respect to the physical and transportation protection plans and that the information provided is consistent with the guidance in this SRP section. On the basis of this information, the staff should be able to conclude that this evaluation is complete.

The staff could document the evaluation for the application as follows:

The staff has reviewed the physical and transportation protection plans for [name of facility] according to SRP Sections 13.2.3, 13.2.4, and 13.2.5. On the basis of the following findings, the staff concludes that the physical and transportation protection plans

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are acceptable for implementation. The applicant has adequately described and documented physical and transportation protection and has provided a plan for responding to threats of theft or thefts of SNM-LSS and to address those parts of 10 CFR 76.117 relating to physical and transportation protection. The applicant meets the requirements associated with Part 76, Subpart E regarding physical and transportation protection.

On the basis of its review, the NRC has staff concluded that the physical transportation protection plans are acceptable to support the recertification.

13.2.7 References

Code of Federal Regulations, *Title 10, Energy*, Part 76, "Certification of Gaseous Diffusion Plants."

_____. *Title 10, Energy*, Section 73.71, "Reporting of Safeguards Events."

_____. *Title 10, Energy*, Part 73, Appendix G, "Reportable Safeguards Events."

Nuclear Regulatory Commission (U.S.) (NRC). Regulatory Guide 5.62, "Reporting of Physical Security Events." NRC: Washington, D.C.

_____. Regulatory Guide 5.15, "Security Seals." NRC: Washington, D.C.

_____. Regulatory Guide 5.59, "Standard Format and Content for a Licensee Physical Security Plan for the Protection of Special Nuclear Material of Moderate or Low Strategic Significance." NRC: Washington, D.C. February 1983.

13.0 SECURITY AND SAFEGUARDS

13.3 PROTECTION OF CLASSIFIED MATTER

13.3.1 Purpose of Review

The purpose of this review is to confirm that the applicant has the authority to use, process, store, reproduce, transmit, transport, or destroy National Security Information (NSI) and/or Restricted Data (RD).

13.3.2 Responsibility for Review

Primary: Classified Matter Specialist

Secondary: Certification Project Manager

Supporting: None

13.3.3 Areas of Review

The staff will review the applicant's submittal for an acceptable level of protection for using, processing, storing, reproducing, transmitting, transporting, classifying, and safeguarding classified information.

13.3.4 Review Procedures

13.3.4.1 Acceptance Review

The staff review should start with the primary reviewer's determination that sufficient information has been provided in the contents of the application to satisfy the requirements in 10 CFR 76.35, "Contents of Application," and 10 CFR 76.36, "Renewals," with respect to classified material at the gaseous diffusion plants (GDPs)—see Standard Review Plan (SRP) Section 13.3.5.1, "Regulatory Requirements"—and that the topics discussed in SRP Section 13.3.3, "Areas of Review," have been addressed.

If significant deficiencies are identified in the application, the applicant should be requested to submit additional material before the primary reviewer starts the application review.

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13.3.4.2 Evaluation

The staff will review the physical security and transportation protection of special nuclear material of low strategic significance submitted by the applicant using the general and specific procedures provided in the following sections.

The information provided needs to be of sufficient depth to provide perspective about the adequacy and appropriateness of the applicant's classified matter plan. The staff should be able to determine that the applicant has provided sufficient information to determine if the applicant can use, process, store, reproduce, transmit, transport, or destroy NSI and/or RD in connection with U.S. Nuclear Regulatory Commission (NRC) activities, in a manner that will provide adequate protection and prevent unauthorized access. The 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 10 CFR Part 95.

On the basis of its review, the staff may request that the applicant provide additional information or modify the submittal to meet the acceptance criteria in SRP Section 13.3.5.

The final step in the review is the primary staff reviewer's writing of a Compliance Evaluation Report (CER) that summarizes the conduct of the review, identifies what material in the application forms the basis for a finding of reasonable assurance with respect to the acceptance criteria, and presents the bases for certificate conditions that may be necessary to conclude that reasonable assurance is achieved.

13.3.5 Acceptance Criteria

The regulatory requirements, regulatory guidance, and regulatory review criteria applicable to this SRP are listed in the following sections.

13.3.5.1 Regulatory Requirements

The applicant must address the requirements in 10 CFR 76.60(i) that require the applicant to comply with 10 CFR Part 95. The requirements for facility security clearances and for safeguarding of NSI and RD are contained in 10 CFR Part 95.

13.3.5.2 Regulatory Guidance

"Standard Practice Procedures Plan Standard Format and Content for the Protection of Classified Matter for NRC Licensee, Certificate Holder and Related Organizations."

13.3.5.3 Regulatory Review Criteria

The staff should use the following regulatory review criteria or information demonstrating acceptable alternatives in its review of the application. Acceptability is based on compliance with 10 CFR Part 95 and the review should be based on the following:

13.3.6 Evaluation Findings

The staff's review should verify that sufficient information has been provided in the application to satisfy the intent of requirements in 10 CFR 76.36, "Renewals," with respect to the protection of classified matter and that the information provided is consistent with the guidance in this SRP section. On the basis of this information, the staff should be able to conclude that this evaluation is complete.

The staff could document the evaluation for the application as follows:

The staff has reviewed the classified matter plan for [name of facility] according to SRP Sections 13.3.3, 13.3.4 and 13.3.5. The applicant has adequately described and documented the protection of classified matter and has provided a plan that addresses those parts of 10 CFR Part 95 relating to classified matter protection and demonstrate that an acceptable program has been established for using, processing, storing, reproducing, classifying, transmitting, transporting, and destroying NSI and RD. The applicant meets the applicable requirements within 10 CFR Part 95, and therefore 10 CFR 76.60(i) related to classified matter protection.

On the basis of its review, the NRC staff has concluded that the classified matter plan is acceptable to support the recertification.

13.3.7 References

Code of Federal Regulations, *Title 10, Energy*, Part 76, "Certification of Gaseous Diffusion Plants."

_____. *Title 10, Energy*, Part 95, "Facility Security Clearance and Safeguarding of National Security Information and Restricted Data."

"Standard Practice Procedures Plan Standard Format and Content for the Protection of Classified Matter for NRC Licensee, Certificate Holder and Related Organizations."