

September 22, 2015

Mr. Dealis W. Gwyn
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P.O. Box 7097
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SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION REQUEST FOR ADDITIONAL
INFORMATION RELATED TO THE REVISION OF THE MIXED OXIDE FUEL
FABRICATION FACILITY CLASSIFIED MATTER PROTECTION PLAN

Dear Mr. Gwyn:

On January 29, 2015, CB&I AREVA MOX Services (MOX Services) submitted a revision to the Classified Matter Protection Plan (CMPP) for review and approval.

In order to complete the review the staff needs additional information as shown in Enclosure 1 to this letter. Please provide responses to these information requests in the form of CMPP change pages and provide a description of the changes made.

In accordance with 10 CFR Section 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at: <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

If you have any questions, please contact me at (301) 415-8740, or via e-mail to David.Tiktinsky@nrc.gov.

Sincerely,

/RA MBaker for/

David Tiktinsky, Senior Project Manager
Fuel Manufacturing Branch
Division of Fuel Cycle Safety, Safeguards,
and Environmental Review
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-3098
Enclosure: As stated

cc: See next page

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OFFICIAL RECORD COPY

Enclosure

REQUEST FOR ADDITIONAL INFORMATION
MIXED OXIDE FUEL FABRICATION FACILITY (MFFF) CLASSIFIED MATTER PROTECTION
PLAN REVISION DATED January 29, 2015
Docket: 70-3098

CM-1 Sections 3.3.1 & 3.3.2, page 13

Section 3.3.1 says, “Classified information...but when not in use it will be stored only in a security container except in the MAA where open storage of classified matter is authorized.” Section 3.3.2 says, “The MAA also houses a single area that meets the requirements as a vault to provide long term storage of nuclear material.” The CMPP doesn’t apply to the storage of nuclear material unless it’s classified.

- a. Please provide information that the MAA meets the requirements for open storage of classified material (e.g., reference the appropriate sections of the CMPP). Also, discuss what kind of classified material is likely to be openly stored?

Section 3.3.1 says, “Classified matter may also be used in continuously staffed security posts within the PA....” Please revise the application to provide an explanation of the following:

- a. How is the material stored in these posts?
- b. What happens if the posts are required to be evacuated in the event of an emergency such as a fire? .

CM-2 Section 3.7, page 14

Please provide the DOE Facility Code associated with the referenced FDAR.

CM-3 Section 8.0, page 21

While the wording of CMPP reflects Part 95, Part 95 does not reflect current requirements for storing classified matter. The staff recommend replacing “...safe, steel file cabinet, or safe-type steel file cabinet that meets the requirements of this regulation” with “GSA-approved security container.”

CM-4 Section 8.1.1, page 22

CMPP says, “...within areas that contain special nuclear material...” Unless the SNM is also classified, this doesn’t apply to the CMPP. Please revise the CMPP accordingly.

CM-5 Section 8.8, page 25

Part 95.25(j) lists specific requirements for the control of locks and keys. CMPP Section 8.8, as written, is unclear as to how these requirements will be implemented. Please revise or refer to a DOE/MFFF procedure that implements the requirements.

CM-6 Sections 6.1-6.6, pages 16-19

While the wording of CMPP reflects Part 25, Part 25 does not reflect current requirements for obtaining a clearance. The Enclosure 2 provides the current requirements as implemented by the NRC.

Enclosure

CM-7 Section 11.7, page 28

Who provides oversight of MFFF derivative classifiers (DCs). How will this be maintained prior to the completion of the joint NRC/DOE memorandum of understanding which will document which agency is the Cognitive Security Agency (CSA) for the project?

CM-8 Section 13.2.1, page 30

The staff recommend adding a list for internal pages similar to that provided in Section 13.2.

CM-9 Section 13.2.3, page 31

The CMPP states that classification challenges are directed to DOE. Section 95.37(h) requires classification challenges are resolved by the NRC. The NRC recognizes that all the classification guidance used on the project may not be jointly issued NRC/DOE documents. If the provision of Part 95 will not be followed, an exemption may be required. Please revise the CMPP accordingly or develop a request for an exemption to Part 95.

CM-10 Section 13.2.5, page 32

Revise the section on drafts and working papers to address that working papers containing classified information shall be dated when created, marked with the highest classification of any information contained in them, protected at that level, and if otherwise appropriate, destroyed when no longer needed. When any of the following conditions applies, working papers shall be controlled and marked in the same manner prescribed for a finished document at the same classification level: (1) Released by the originator outside the originating activity; (2) Retained more than 180 days from the date of origin; or (3) Filed permanently.”

CM-11 Section 17.3, page 41

The CMPP states all classification actions are reported to the NRC via NRC Form 790. If it is determined that the DOE is the CSA for purposes of reporting, then an exemption from Part 95 would be required if NRC is not the reporting recipient. Please include a discussion of the impact (if any) of the recipient reporting agency.

CM-12 General

As written, the CMPP does not reflect the optional guidance contained NEI 08-11, Information Security Program Guidelines for Protection of Classified Material at Uranium Enrichment Facilities.” While MFFF is not a uranium enrichment facility, the NRC considers following the guidelines would enhance the protection of classified matter at MFFF. NEI 08-11 lists the following topical areas:

- Operations Security (OPSEC)
- Telecommunications Electronic Materials Protected from Emanating Spurious Transmissions (TEMPEST) program
- Technical Surveillance Countermeasures (TSCM) program
- Counterintelligence (CI) program
- Information Technology (IT) Security requirements for classified networks
- Armed Response to Information Compromise (ARTIC)
- Classified Item Control and Inventory (CICI) requirements

Please add appropriate sections that demonstrate or reference (e.g., physical protection plan) how these elements are addressed. For example, if MFFF is using an existing DOE OPSEC program or DOE guidance for TEMPEST, please reference the implementing documents.

D. Gwyn - NRC Request For Additional Information Related To The Revision Of The Mixed
Oxide Fuel Fabrication Facility Classified Matter Protection Plan

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