

SAFETY EVALUATION REPORT ON REVISION TO CLASSIFIED MATTER PROTECTION PLAN REVISION DATED JANUARY 29, 2015

1.0 INTRODUCTION

CB&I AREVA MOX Services (MOX Services) submitted a revision to the Classified Matter Protection Plan (CMPP) on January 29, 2015 (Agencywide Documents Access and Management System [ADAMS] Accession No. ML15029A654). The purpose of the revision was to document updates to the CMPP since the original approval by the U.S. Nuclear Regulatory Commission (NRC) in 2010.

2.0 REGULATORY EVALUATION

The regulatory basis for the protection of classified matter review should be the general and additional contents of the application, as required by Title 10 of the *Code of Federal Regulations* (10 CFR) Parts 25 and 95. These regulations implement the requirements of the Atomic Energy Act of 1954, as amended, and Executive Order 13526, as amended, for the protection of Restricted Data and classified National Security Information.

The purpose of this review is to determine, with reasonable assurance, whether the applicant has designed a facility and policies/procedures that meet government requirements for the protection of classified matter against loss or compromise.

The acceptance criteria the NRC uses for reviews of classified matter protection practices and procedures are outlined in the NRC's Standard Practice Procedures Plan Standard (SPPP) Format and Content for the Protection of Classified Matter at NRC Licensees, Certificate Holder, or Other Activities as the Commission May Determine (SPPP Standard Format) of June 2006. The SPPP Standard Format provides guidance to the licensee in meeting the regulatory requirements of 10 CFR 25 and 10 CFR 95. Where NRC criteria are not specified, the staff may use relevant U.S. Department of Energy (DOE), Department of Defense, National Security Agency, or National Industrial Security Program Operating Manual guidance as a basis for acceptance.

3.0 TECHNICAL EVALUATION

3.1 Control of Classified Matter

The specific risk of a loss or compromise of project related classified information is to the theft/diversion or radiological sabotage to the Strategic Special Nuclear Material at the Mixed Oxide Fuel Fabrication Facility (MFFF). There is also a general risk to the classified technical information associated with the project. Classified matter will be in the form of information vice classified components. The applicant's submittal provided sufficient information, in accordance with 10 CFR 25 and 10 CFR 95, that classified information will be adequately protected. The staff also took into consideration the licensee's oversight by DOE and the MFFF location within the DOE Savannah River Site. It is also noted that a final NRC/DOE Memorandum of Understanding (MOU) on several items related to cognizance over the licensee has not been issued. Until the MOU is issued, the licensee cannot make a final disposition of the items addressed in the Requests for Additional Information.

Enclosure

The applicant revised the SPPP to consolidate classification guidance to reflect the current Joint DOE/NRC Classification and Unclassified Controlled Nuclear Material Information Guide for the MFFF.

The applicant updated the access authorization sections of the CMPP to provide additional information on the access authorization process at the MFFF.

The applicant revised its position on authority related to classified meetings to determine “need-to-know” (NTK) and determine whether the information can be provided without a site visit. The NRC recognizes the applicant is in best position to determine who might NTK. Since the applicant is on a DOE controlled site, minimizing the number of persons requiring access is desirable.

The applicant updated the SPPP section on keys and locks to reflect current 10 CFR Part 95 requirements.

The applicant removed reference to Restricted Areas since there will be no Restricted Areas associated with the project.

The applicant replaced specific classification levels and types with the more generic term “Classified Matter” to cover all grades and formats of classified information.

The applicant replaced “Cognitive Security Agency” (CSA) with “DOE” guidance to reflect current DOE practices. This item may be revised upon issue of the aforementioned MOU.

The applicant revised specific information on classified mailings to bring it into alignment with current DOE site practices for mailing classified matter.

The applicant also added text concerning the copying of classified documents to better explain the requirements

3.2 Additional Changes

In addition to the substantive items above the applicant made on-substantive changes to include acronyms, update building identifiers, and remove items that do not relate to the protection of classified matter.

3.3 Evaluation Findings

The applicant’s submittal provided sufficient information, in accordance with 10 CFR 25 and 95, that classified information will be adequately protected. The staff also took into consideration the licensee’s oversight by DOE and the MFFF location within the DOE Savannah River Site. It is also noted that a final NRC/DOE MOU on several items related to cognizance over the licensee has not been issued. A permanent CSA will be determined by DOE and NRC and recorded in a MOU. DOE National Nuclear Security Agency is currently the acting CSA for the MFFF Classification Program. Until the MOU is issued, the licensee cannot make a final disposition of the items addressed in the Request for Additional Information (RAI) that was submitted to MOX Services dated September 22, 2015 (ML15245A371).

For the access authorization portion of the CMPP, MOX Services stated in their RAI response (ML15352A177) that they have verified that the submitted version of the CMPP reflects the

current wording in 10 CFR 25. MOX Services stated that they will revise the CMPP when the revised Part 25 requirements discussed are issued in final form.

4.0 REFERENCES

Standard Practice Procedures Plan Standard Format and Content for the Protection of Classified Matter at NRC Licensees, Certificate Holder, or Other Activities as the Commission May Determine, June 2006.

National Industrial Security Program Operating Manual, DOD 5229.22M, dated February 28, 2006, as updated.