

# SAFETY EVALUATION REPORT ON REVISION TO CLASSIFIED MATTER PROTECTION PLAN REVISION DATED MARCH 1, 2017

## 1.0 INTRODUCTION

CB&I AREVA MOX Services (MOX Services) submitted a revision to the Classified Matter Protection Plan (CMPP) on March 1, 2017 (Agencywide Documents Access and Management System Accession Number ML17061A245). The purpose of the revision was to document updates to the CMPP since the previous revision in 2016.

## 2.0 REGULATORY EVALUATION

The regulatory basis for the protection of classified matter are 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 has policies/procedures that meet government requirements for the protection of classified matter against loss or compromise.

The acceptance criteria the U.S. Nuclear Regulatory Commission (NRC) uses for reviews of classified matter protection practices and procedures are outlined in the NRC's Standard Practice Procedures Plan (SPPP) Standard 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 95. Where NRC criteria are not specified, the staff uses 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 classified information relates 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 and classified components. The applicant's submittal provided sufficient information, in accordance with 10 CFR 25 and 95 to determine whether 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's Savannah River Site. It is also noted that a final NRC/DOE Memorandum of Understanding (MOU) on several classified matter and personnel security items related to Agency authority over the licensee has not been issued. When the MOU is issued, the plan will be re-reviewed.

The applicant updated the personnel security section to: a) describe the process used to request access authorizations; b) updated the description of terminating access authorizations; c) describe the process to determine continued eligible access authorizations; and d) revised the document to be consistent with NRC guidance.

The applicant added language to clarify CMPP does not apply to types of Controlled Unclassified Information that may be used at the MFFF.

The applicant updated the SPPP revised the wording for downgrading classified information to require two independent reviews and that an upgrade of classified information be reported to the MFFF Classification Officer to determine if additional actions are necessary.

### 3.2 Additional Changes

In addition to the substantive items above the applicant made non-substantive changes to include acronyms and minor editorial changes that don't affect 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's 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 Cognitive Security Agency (CSA) will be determined by DOE and the NRC and recorded in a MOU. DOE National Nuclear Security Agency is currently the acting CSA for the MFFF Classification Program.

For the access authorization portion of the CMPP, the staff evaluated the CMPP against the requirements in 10 CFR 25 and the NRC Personnel Security Program identified in Management Directive 12.3, "NRC Personnel Security Program." The changes in the CMPP related to access authorization are consistent with the requirements in Part 25 and MD 12.3. As stated in the previous revision to the CMPP, MOX Services will revise the CMPP when the revised 10 CFR requirements are issued in final form.

## 4.0 REFERENCES

SPPP 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.

Management Directive 12.3, NRC Personnel Security Program, dated October 8, 2013.