

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 April 6, 2016 (Agencywide Documents Access and Management System Accession No. ML16095A321). The purpose of the revision was to document updates to the CMPP since the previous revision in 2015.

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 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 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 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 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. When the MOU is issued, the plan will be re-reviewed.

Enclosure

The applicant revised its Organizational Chart to provide current staffing.

The applicant updated the SPPP revised the wording for downgrading classified information to clarify such a decision is based on a change to authorized classification guidance.

The applicant added additional wording to report discrepancies to the Classification Officer should a discrepancy be discovered when classified matter is upgraded based on a classification guidance change.

The applicant revised the SPPP to add e-QIP and additional documentation to be submitted with an access authorization request. The applicant also updated initial access and renewal authorization requirements.

3.2 Additional Changes

In addition to the substantive items above the applicant made on-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 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 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, MOX Services stated the CMPP reflects the current wording in 10 CFR 25. The changes to the identification of forms that need to be submitted during access authorization processing and the renewal times for authorizations does not impact the compliance with the currently defined requirements in 10 CFR Part 25. As stated in the previous revision to the CMPP, MOX Services will revise the CMPP when the revised Part 25 requirements are issued in final form.

4.0 REFERENCES

The 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.