

July 10, 2007

Mr. Dealis W. Gwyn, Licensing Manager  
Shaw AREVA MOX Services  
P.O. Box 7097  
Aiken, SC 29804-7097

SUBJECT: REQUEST FOR ADDITIONAL INFORMATION REGARDING THE REVIEW OF  
THE CLASSIFIED INFORMATION HANDLING PLAN FOR THE MIXED OXIDE FUEL  
FABRICATION FACILITY (MFFF) LICENSE APPLICATION REQUEST

Dear Mr. Gwyn:

We have reviewed the information in your licensing submittal dated September 27, 2006, entitled "Classified Matter Protection Plan." The submittal requests a license, to possess and use, special nuclear, source, and by-product material in the MFFF. The MFFF, which is to be located on the Department of Energy's Savannah River site in Aiken, South Carolina, will process and fabricate mixed oxide fuel for use in commercial nuclear power plants as part of the plutonium disposition program.

We have enclosed a listing of additional information that is needed by the staff in order to complete the review of the Classified Matter Protection Plan. Please revise the plan and provide us with a summary document relating how our questions were addressed and any other changes to other licensing documents that may have been necessary to incorporate the responses (e.g., license application change pages). Please provide the revised plan and change pages within 45 days of the date of this letter.

D. Gwyn

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In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) 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 we would be happy to meet with you and other Shaw AREVA MOX Services staff on these issues. Please contact me at (301) 492-3229.

Sincerely,

**/RA/**

David Tiktinsky, Senior Project Manager  
Special Projects and Technical Support  
Directorate  
Division of Fuel Cycle Safety  
and Safeguards  
Office of Nuclear Material Safety  
and Safeguards

Enclosure: Request for Additional Information

Docket: 70-3098

cc:	G. Smith, NNSA	A.J. Eggenberger, DNFSB	R. Virgilio, FSME
	J. Olencz, DOE	L. Zeller, BREDL	D. Gwyn, MOX Services
	H. Porter, SC Dept. Of HEC	G. Carroll, GANE	L. Silvius, NSIR
	D. Silverman, Esq., DCS	D. Curran, Esq., GANE	
	M. Shannon, RII	W. Gloersen, RII	
	D. Ayres, RII	D. McIntyre, OPA	

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	D. Ayres, RII	D. McIntyre, OPA	

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<b>OFFICE</b>	MB		SPB		NSIR		MB	
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<b>DATE</b>	7/ 9 /07		7/ 9 /07		7/ 9 /07		7/ 10 /07	

**OFFICIAL RECORD COPY**

Request for Additional Information

MOX Services Classified Information Handling Plan (CIHP) Dated September 27, 2006,

Docket: 70-3098

CM-1 Section 3.2, page 9

a) The CIHP should include a definition of the use of the term "Limited Areas." It appears to be a Department of Energy (DOE) term that is not used by the NRC.

b) What will be classified as Restricted Data at the MOX Fuel Fabrication Facility (MFFF)? The control and protection aspects of strategic special nuclear material is categorized as national security information. The disassembly of the Plutonium Pits involves Restricted Data but that portion of the process will be regulated by DOE.

CM-2 Section 5.0, page 15

Revise the title of this section to read "Types of Classified Information/Matter." Provide an explanation of why there are sensitive unclassified information types such as OUO, UCNI, and SGI covered in this section when this plan pertains to protection of classified matter or, delete references to those categories?

CM-3 Sections 6.1 and 6.2, pgs. 16-17

Specify which U.S. Government agency (NRC or DOE) will be granting personnel security clearances to MOX Services personnel. In section 6.1 it appears NRC will be granting the personnel clearances. However, in section 6.2 it states that "Questionnaire for National Security Positions are acceptable for processing through the DOE website."

CM-4 Section 8.6, page 22

Provide the frequency of end of the day security checks for security containers located within "limited areas" of the MOX FFF? If a "limited area" is equivalent to a "Restricted or Closed Area" as described in 10 CFR 95.29 then the regulations require that "Protective personnel shall conduct patrols during nonworking hours at least every 8 hours and more frequently if necessary to maintain a commensurate level of protection."

CM-5 Section 8.9, page 23

Please revise the CIHP to describe how keys and locks used for the protection of classified matter will be handled in accordance with 10 CFR Part 95.25(j)(3) through (8).

CM-6 Section 10.0, page 25

Revise the title of this section to "Establishment of Restricted or Closed Areas" as required by 10 CFR 95.29. Again, the use of the term "Limited Area" is a DOE term and is not addressed in 10 CFR Part 95. The physical protection of classified matter at the MFFF should be in accordance with NRC requirements not DOE's.

CM-7 Section 12.1, page 28

Provide the basis for including UCNI and SGI in this section or delete them? UCNI and SGI are not types of classified information. A "Q" or "L" clearance is not required for access to UCNI or SGI.

CM-8 Section 13.2, page 29

Revise the CIHP to provide an example of a derivative classifiers stamp that includes a classification date as required by 10 CFR 95.37. Since there is no mention of how to mark Restricted Data (RD) documents, verify that MOX Services will not be handling RD at the MFFF?

CM-9 Section 14.2, page 31

Revise the CIHP to make sure the name of the intended recipient on the inner envelope is provided for all classified mailings sent offsite as required by 10 CFR 95.39. Additionally, the other requirements from 10 CFR 95.39(b)(d) and (e)) have not been adequately addressed in this section as well as in section 14.3.

CM-10 Section 14.3.3, page 32

Revise the CIHP to title this section "Telecommunication of Classified Information" in accordance with 10 CFR 95.39(d).

CM-11 Section 16.0, page 34

Revise the CIHP to provide the make and model number of the classified shredders to be used at the MFFF. Shredders to destroy classified information must be noted on NSA's approved classified shredders list.

CM-12 Section 17.3, page 36

Revise the CIHP to show that the frequency for reporting security infractions to the NRC is on a monthly basis not a quarterly basis as portrayed in this section. 10 CFR 95.57(b) requires that security infractions must be recorded in a written log and provided to the NRC on a monthly basis. In addition, the CSA as well as the Regional Administrator of NRC (Region II) must be notified within 1 hour of any deliberate disclosures of classified information to persons not authorized to receive it. This requirement needs to be clarified in this section.