

August 8, 2007

Robert R. Loux, Executive Director
Agency for Nuclear Projects
Office of the Governor
State of Nevada
1761 E. College Parkway, Suite 118
Carson City, Nevada 89706

Dear Mr. Loux:

I am responding to your letter, of May 9, 2007, requesting security clearances for three individuals (Victor Gilinsky, Martin Malsch, and Michael Thorne) to participate in the anticipated proceedings regarding the potential license application from the U.S. Department of Energy, for a high-level waste repository at Yucca Mountain, Nevada. In that letter, you noted that these individuals would participate on behalf of the State of Nevada in reviewing the potential license application.

To begin the security clearance process, enclosed are three security packages, containing the following items: (1) instructions regarding completing the Standard Form (SF) 86 electronically (via the internet); (2) Finger Print Cards (FD-258); (3) NRC Form 176; and (4) the form titled "Fair Credit Reporting Act of 1970, as amended." These are the items that the individuals must complete, to be processed for a U.S. Nuclear Regulatory Commission (NRC) L-Clearance. At this time, the individuals may fill out and complete the Finger Print Cards (FD-258), NRC Form 176, and the form titled "Fair Credit Reporting Act of 1970, as amended", and submit these forms to the NRC. Please note that the SF-86 must be completed electronically (via the internet). However, before completing the SF-86 form electronically (via the internet), the following information must be provided to the NRC:

1. Full Name
2. Social Security Number
3. Date of Birth
4. Place of Birth
5. Telephone Number
6. E-mail Address.

Please contact Mr. Alex Sapountzis, of my staff, at (301) 492-3192, and provide him with the information requested above. This information will be entered into a database that will grant the individuals access to the electronic SF-86 form via the internet. When NRC has received the information requested above and entered it into the database, you will be notified that these individuals can proceed with completing the SF-86 form electronically.

The individuals must follow the instructions contained in the security packages to ensure that the forms are completed correctly. Please note that these security packages must be completed promptly, because background investigations associated with a L-Clearance may take up to 1 year to complete. In addition, each completed security package should include,

a check payable to the U.S. Nuclear Regulatory Commission, in the amount of \$370.00, to cover the costs associated with the processing of each L-Clearance requested. Once completed, the items in the security package [i.e., Finger Print Cards (FD-258), NRC Form 176, and the form titled "Fair Credit Reporting Act of 1970, as amended"] should be sent to:

Mr. Alex Sapountzis, Project Manager
U.S. Nuclear Regulatory Commission
Division of High-Level Waste Repository Safety
11555 Rockville Pike
Mailstop: EBB-2-B02
Rockville, MD 20852

Once the individuals have received their security clearances, there are two more steps they will need to complete to obtain access to specific classified information relevant to the high-level waste license application proceeding:

- (1) They must establish a demonstrable need-to-know regarding that specific information; and
- (2) They must comply with the terms of any protective order, including the signing of non-disclosure agreements issued in the high-level waste proceeding.

It is important to note that, before gaining access to specific classified information, relevant to the potential license application and originated by some other government agency, this information may not be accessed by any of your representatives, until NRC obtains that government agency's consent.

For your information, foreign nationals are not routinely granted access to classified information. At the NRC's, Executive Director for Operations' discretion, a foreign national who possesses a special expertise may be granted limited access to classified information for specific programs, projects, contracts, licenses, certificates, or grants, if there are compelling reasons that the individual's access to classified information is needed to further the Agency's mission. In accordance with Executive Order 12968, limited access may be approved only if the prior 10 years of the subject's background can be appropriately investigated. In addition, there are restrictions on the level of access that may be granted.

Finally, to view or possess classified information related to anticipated proceedings on the potential license application, the State of Nevada must make a decision and notify NRC whether these three individuals would just view the classified information or possess this classified information. If these individuals just wish to view the classified information, this would occur at a secure and approved government facility for handling and storing classified information. On the other hand, if these individuals wish to possess the classified information, the State of Nevada will need to establish and maintain a classified information program, per 10 CFR Part 95, before receiving any classified information, which will include submitting a protection-of-Classified-Matter security plan, regarding the facility, for approval by NRC, and the facility being subject to NRC inspections.

R. Loux

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If you have any questions about this matter, please contact Alex Sapountzis, of my staff, at (301) 492-3192, or by e-mail, at aps@nrc.gov.

Sincerely,

/RA/

Lawrence E. Kokajko, Director
Division of High-Level Waste Repository Safety
Office of Nuclear Material Safety
and Safeguards

Enclosure:
Security Package (Addressee Only)

cc: See attached list.

Letter to R. Loux from L. Kokajko dated: August 8, 2007

cc:

A. Kalt, Churchill County, NV	A. Elzeftawy, Las Vegas Paiute Tribe
R. Massey, Churchill/Lander County, NV	J. Treichel, Nuclear Waste Task Force
I. Navis, Clark County, NV	W. Briggs, Ross, Dixon & Bell
E. von Tiesenhausen, Clark County, NV	R. Murray, DOE/OCRWM
J. Birchim, Yomba Shoshone Tribe	G. Runkle, DOE/Washington, D.C.
R. Damele, Eureka County, NV	S. Bokhari, DOE/RW
L. Marshall, Eureka County, NV	S. Gomberg, DOE/Washington, D.C.
A. Johnson, Eureka County, NV	D. Curran, Harmon, Curran, Spielberg & Eisenberg, L.L.P.
S. Schubert, Sen. Reid's Office	R. Dyer, DOE/OCRWM
M. Yarbrow, Lander County, NV	J. Espinoza, GAO
J. Donnell, DOE/OCRWM	A. Gil, DOE/OCRWM
M. Baughman, Lincoln County, NV	W. Boyle, DOE/OCRWM
L. Mathias, Mineral County, NV	M. Ulshafer, DOE/OCRWM
J. Saldarini, BSC	S.A. Wade, DOE/OCRWM
M. Henderson, Cong. J. Gibbon's Office	C. Hanlon, DOE/OCRWM
D. Swanson, Nye County, NV	T. Gunter, DOE/OCRWM
M. Simon, White Pine County, NV	A. Benson, DOE/OCRWM
E. Sproat, DOE/OCRWM	N. Hunemuller, DOE/OCRWM
D. Cornwall, NV Congressional Delegation	P. Harrington, OPM&E
T. Story, NV Congressional Delegation	M. Mason, BSC
R. Herbert, NV Sen. Reid's Office	S. Cereghino, BSC
M. Murphy, Nye County, NV	B. Gattoni, Burns & Roe
R. Lambe, NV Congressional Delegation	E. Mueller, Esmeralda County, NV
K. Kirkeby, NV Congressional Delegation	J. Gervers, Clark County, NV
R. Loux, State of NV	D. Beckman, BSC/B&A
S. Frishman, State of NV	J. Raleigh, SNL
S. Lynch, State of NV	J. Kennedy, Timbisha Shoshone Tribe
P. Guinan, Legislative Counsel Bureau	B. Durham, Timbisha Shoshone Tribe
R. Clark, EPA	R. Arnold, Pahrump Paiute Tribe
R. Anderson, NEI	

cc: (Continued)

R. McCullum, NEI

S. Kraft, NEI

J. Kessler, EPRI

D. Duncan, USGS

K. Skipper, USGS

W. Booth, Engineering Svcs, LTD

C. Marden, BNFL Inc.

J. Bacoeh, Big Pine Paiute Tribe of Owens Valley

P. Thompson, Duckwater Shoshone Tribe

J. Egan, Esq.

D. Feehan, GAO

E. Hiruo, Platts Nuclear Publications

G. Hernandez, Las Vegas Paiute Tribe

K. Finfrock, NV Congressional Delegation

P. Johnson, Citizen Alert

M. Williams, DOE/OCRWM

J. Williams, DOE/Washington, DC

A. Robinson, Robinson-Seidler

M. Plaster, City of Las Vegas

S. Rayborn, Sen. Reid's Office

L. Lehman, T-REG, Inc.

B.J. Garrick, NWTRB

T. Feigenbaum, BSC

M. Urie, DOE

J. Brandt, Lander County

R. Holland, Inyo County

B. Sagar, CNWRA

V. Trebules, RW/DOE

R. Warther, DOE/OCRWM

Connie Simkins, Lincoln County

S.A. Orrell, SNL

R. Holden, NCAI

C. Meyers, Moapa Paiute Indian Tribe

C. Dahlberg, Fort Independence Indian Tribe

D. Vega, Bishop Paiute Indian Tribe

Egan, Fitzpatrick, Malsch, PLLC

J. Leeds, Las Vegas Indian Center

J. C. Saulque, Benton Paiute Indian Tribe

C. Bradley, Kaibab Band of Southern Paiutes

R. Joseph, Lone Pine Paiute-Shoshone Tribe

L. Tom, Paiute Indian Tribes of Utah

E. Smith, Chemehuevi Indian Tribe

D. Buckner, Ely Shoshone Tribe

V. Guzman, Walker River Paiute

D. Eddy, Jr., Colorado River Indian Tribes

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D. Crawford, Inter-Tribal Council of NV

I. Zabarte, Western Shoshone National Council

S. Devlin

G. Hudlow

D. Irwin, Hunton & Williams

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M. Rice, Lincoln County, NV

G. Hellstrom, DOE

S. Joya, Sen. Ensign's Office

M. Gaffney, Inyo County

L. Desell, RW/DOE

P. Nair, SNL

B. Neuman, Carter Ledyard & Milburn L.L.P.

E. Bonano, SNL

L. Newman, DOE/OCRWM

R. Loux

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If you have any questions about this matter, please contact Alex Sapountzis, of my staff, at (301) 492-3192, or by e-mail, at aps@nrc.gov.

Sincerely,

/RA/

Lawrence E. Kokajko, Director
Division of High-Level Waste Repository Safety
Office of Nuclear Material Safety
and Safeguards

Enclosure:
Security Package (Addressee Only)

cc: See attached list.

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