



OFFICE OF THE  
GENERAL COUNSEL

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

May 2, 2008

**VIA ELECTRONIC MAIL**

Michael C. Farrar, Chair  
Dr. Nicholas G. Trikouros, Administrative Judge  
Lawrence G. McDade, Administrative Judge  
Atomic Safety and Licensing Board  
Mail Stop: T-3F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

In the Matter of  
SHAW AREVA MOX SERVICES  
Mixed Oxide Fuel Fabrication Facility  
Docket No. 70-3098-MLA

Dear Chairman and Administrative Judges,

On behalf of the NRC Staff, I am writing in response to your request for information during the prehearing conference of April 9, 2008, regarding the review of the license application in the above-referenced proceeding. Specifically, you requested information on 1) procedures to access Safeguards Information and Classified Information (classified National Security Information, Restricted Data or Formerly Restricted Data) after a proceeding is closed, see Transcript of April 9, 2008 at 513-514, and 2) procedures for construction inspection that the Staff would utilize in relation to the determination required under 10 C.F.R. § 70.23(a)(8), see Transcript of April 9, 2008 at 510-512.

Regarding the Board's first question, NRC rules require that interested persons demonstrate a "need to know" to gain access to Safeguards Information, see 10 C.F.R. § 73.21, and Classified Information. see 10 C.F.R. § 25.5. In the case of Safeguards, the NRC recently published Delegated Authority To Order Use of Procedures for Access to Certain Sensitive Unclassified Information, 73 Fed. Reg. 10,978 (Feb. 29, 2008). In the Notice, the Commission noted the availability of final procedures permitting potential parties to NRC adjudications to gain access to Safeguards Information and Sensitive, Unclassified Non-Safeguards Information. These procedures are applicable to NRC adjudications for which a notice of hearing or opportunity for hearing is published on or after March 31, 2008. With regard to classified information, Executive Order 12958 (as amended), *Classified National Security Information*, and 10 C.F.R. Part 25, *Access Authorization For Licensee Personnel*, provide procedures for persons who may require access to classified information subject to demonstrating a need-to-know.

Regarding the Board's second question, the Staff offers the following list of inspection procedures ("IP") obtained from Inspection Manual Chapter (IMC) 2630, "Mixed Oxide Fuel Fabrication Facility Construction Inspection Program," Appendix A (ADAMS ML051450201). All of the procedures listed are publicly available in ADAMS unless otherwise noted.<sup>1</sup>

<b>QA Inspection Procedures</b>	
IP 88106	Quality Assurance: Program Development and Implementation (ML060530397)
IP 88107	Quality Assurance: Design and Documentation Control (ML061660239)
IP 88108	Quality Assurance: Control of Materials, Equipment, and Services (ML060530407)
IP 88109	Quality Assurance: Inspection, Test Control, and Control of Measuring and Test Equipment (ML063350484)
IP 88110	Quality Assurance: Problem Identification, Resolution, and Corrective Action (ML061660341)
IP 88111	10 CFR Part 21, Inspection-Facility Construction (ML060530430)
IP 88112	Software Validation ( <b>UNDER DEVELOPMENT</b> )
IP 88113	Control of the Electronic Management of Data (ML060530433)
IP 88114	Quality Affecting Item Procurement (10 CFR Part 21) and Commercial Grade Item Dedication Process (Reactive) (ML060530435)
IP 88115	Supplier/Vendor Inspection (ML060530444)
IP 88116	Inspection of Quality Assurance Interfaces For the Mixed oxide Fuel Fabrication Facility (ML060530470)
<b>Resident Inspector Procedures</b>	
IP 88130	Resident Inspection Program for On-Site Construction Activities at the Mixed Oxide Fuel Fabrication Facility (ML051450187) <sup>2</sup>
<b>Construction Inspection Procedures</b>	
IP 88131	Geotechnical/Foundation Activities (ML060530176)

<sup>1</sup> The MOX page on the NRC public website has links to these procedures.  
<http://www.nrc.gov/materials/fuel-cycle-fac/mox/licensing.html>.

<sup>2</sup> The Resident Inspector Procedure discusses preparation of 8-week reports in addition to quarterly reports. The information of the 8-week reports, however, is integrated into the quarterly reports.

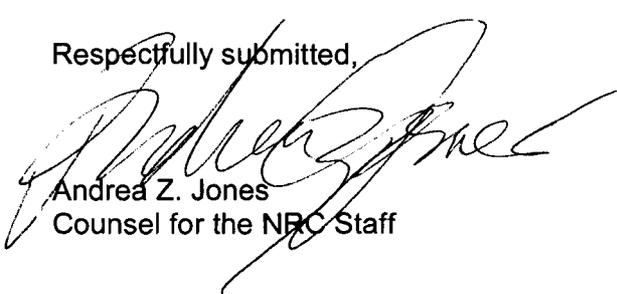
Michael C. Farrar  
Nicholas G. Trikouros  
Lawrence G. McDade

- 3 -

May 2, 2008

IP 88132	Structural Concrete Activities (ML060530186)
IP 88133	Structural Steel and Supports Activities (ML060530198)
IP 88134	Piping Systems Relied on For Safety (ML060530204) <b>(UNDER DEVELOPMENT)</b>
IP 88135	Pipe Supports and Restraints (renumbered as IP88143) (ML060530212)
IP 88136	Mechanical Components (ML060530216)
IP 88137	Electric Cable <b>(UNDER DEVELOPMENT)</b>
IP 88138	Electrical Components and Systems (ML060530230)
IP 88139	Ventilation and Confinement Systems (ML060530233)
IP 88140	Instrumentation and Control Systems - (under development)
IP 55050	Nuclear Welding General Inspection Procedure (ML061660228)
IP 55100	Structural Welding General Inspection Procedure (ML061660235)
IP 88141	Procedures- Fire Prevention and Protection (ML060530263)
IP 88142	Underground Fire Water Loop and Equipment Installation (ML060530265)

Respectfully submitted,



Andrea Z. Jones  
Counsel for the NRC Staff

cc: M. Carpentier  
Z. Kahn  
D. Silverman  
V. Zabielski  
G. Carroll  
M. Olson  
L. Zeller  
D. Curran  
Shaw AREVA (by first class mail)  
Office of Commission Appellate Adjudication  
Office of the Secretary