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BW-JAH-2011-237

Director, Office of New Reactors
U.S. Nuclear Regulatory Commission (NRC)
Two White Flint North
11545 Rockville Pike
Rockville, MD 20852-2738

ATTN: Wesley Held, MS TWFN-6-E-4

Babcock & Wilcox Nuclear Energy, Inc. (B&W NE)
Docket Number-PROJ0776
Project Number-776

Subject: B&W NE Response to December 22, 2010 NRC Order Imposing Safeguards
Information Protection Requirements and Fingerprinting and Criminal History
Records Check Requirements for Access to Safeguards Information (SGI)

The subject order requires that B&W NE nominate a person to be the "reviewing official" for our organization. The B&W NE reviewing officials at this point in time will be myself, Mr. Jeffrey A. Halfinger and Mr. James L. Noel. Both Mr. Noel and I possess active "Q" security clearances granted by the U.S. Department of Energy. We have attached a copy of Form DOE F 5631.20(07-90) as documentation of the clearance held by each of us. The attachments include personal sensitive information and should be withheld from the public pursuant to 10 CFR 9.17(a)(6). In a future letter we will provide names of additional staff requiring access to SGI information as per the specifications in the subject order.

This order also imposes SGI access and storage requirements. Once our nomination for reviewing officials has been approved, and as per our letter dated July 2, 2010, we plan to receive and store SGI information provided to us by the NRC at the B&W Nuclear Operations Group facility located at 1570 Mt. Athos Rd. Lynchburg, VA 24504 (Ph: (434) 522-6000). This is a Category I materials facility operated under NRC license #SNM-42. All SGI information at the facility will be controlled and only cleared individuals (DOE "L" or "Q") or individuals approved for access to SGI by the NRC-approved reviewing official, and in all cases only persons with a need to know supporting the mPower™ design effort will be permitted to access this SGI information. Further, all SGI information received from the NRC will be stored in a GSA-Approved repository separate from other material that may have a higher security classification.

In summary, the following NRC commitments are contained in this letter:

1. All SGI information at the facility will be controlled and only (i) cleared individuals (DOE "L" or "Q" or (ii) individuals approved for access to SGI by the NRC-approved reviewing official, and in all cases only persons with a need to know supporting the mPower™ design effort will be permitted to access this SGI information.

2. All SGI information received from the NRC will be stored in a GSA-Approved repository separate from the material that may have a higher security classification.

There are no additional commitments in this letter.

If you have any questions concerning this response, please contact Mr. Noel @ (434) 522-5900. We look forward to working with the NRC on this important aspect of design certification



Jeffrey A. Halfinger
VP, Technology Development
B&W NE

Attachments (1)

JAH/jlr

Cc: Mr. James Wiggins, Director, NSIR, TWFN 4-D-22A
Joelle L. Starefos, NRC, TWFN, 6-E-4
Stewart L. Magruder, Jr. NRC, TWFN 6-E-4
Michael Mayfield, NRC TWFN 6-E-4