



RAS K-155

August 8, 2011

August 29, 2011 (2:22 p.m.)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

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Washington, D.C. 20555

SUBJECT: *Filing in MOX Plutonium Fuel Fabrication Facility Licensing
Proceeding, Docket No. 70-3098*

Dear Administrative Judges and Counsel for SAMS and NRC Staff:

This is to inform you that, in accordance with Paragraph K of the Revised Protective Order that was approved by the Atomic Safety and Licensing Board on July 26, 2011, I am sending executed originals of the also-revised non-disclosure declarations for myself, Dr. Edwin S. Lyman, Glenn Carroll, and Louis Zeller, to counsel for Shaw Areva MOX Services. I am also sending copies to the Board, the NRC Staff, and the U.S. Department of Energy.

Sincerely,

A handwritten signature in cursive script, appearing to read "Diane Curran".

Diane Curran

Cc with encl.: Service list

Template serv-035

DS-03

CONTROLLED INFORMATION NONDISCLOSURE DECLARATION

I, Diane Curran, declare under penalty of

perjury:

1. As used in this nondisclosure declaration:

(a) "Controlled Information" means information that is: (i) proprietary, (ii) sensitive unclassified non-safeguards information (SUNSI), (iii) for official use only (OUO), (iv) Unclassified Controlled Nuclear Information (UCNI), or (v) otherwise appropriately withheld pursuant to the Freedom of Information Act, 5 U.S.C. § 552(b) and under 10 CFR § 2.390, the production of which is nonetheless required by the Board.¹

(b) "Proprietary information" is (i) any information that is properly exempt from public disclosure pursuant to the Freedom of Information Act, 5 U.S.C. § 552(b)(4) and 10 CFR § 2.390(a)(4); or (ii) any information obtained by virtue of these proceedings that is not otherwise a matter of public record and that reveals Proprietary Information. This includes commercial proprietary information owned or possessed by Shaw AREVA MOX Services, LLC (Applicant), or its partners and affiliates, or its predecessor organizations and affiliates. These entities include, but are not limited to: Shaw AREVA MOX Services LLC; AREVA NP, Inc.; the Shaw Group Inc.; Duke Engineering & Services, Inc.; Cogema S.A.; Cogema, Inc.; the Department of Energy (DOE); and Stone & Webster.

¹ "Controlled information" generally does not include basic information necessary for the identification of a document, such as the title or subject matter of the document, the date it was written, the names and affiliations of the author(s), or the names and affiliations of the recipient(s).

(c) “Sensitive unclassified non-safeguards information (SUNSI)” means any information of which the loss, misuse, modification, or unauthorized access can reasonably be foreseen to harm the public interest, the commercial or financial interests of the entity or individual to whom the information pertains, the conduct of NRC and Federal programs, or the personal privacy of individuals.

(d) “Official use only information (OUO)” means any information that is exempt from public release under the Freedom of Information Act and has the potential to damage governmental, commercial, or private interests if disseminated to persons who do not need the information to perform DOE authorized activities.

(e) “Unclassified Controlled Nuclear Information (UCNI)” means any information that is defined as such in 10 CFR § 1017.4.

(f) An “authorized person” means: (i) an employee, consultant, or contractor of the NRC entitled to access to the Controlled Information; (ii) a person who has executed a copy of this declaration upon the approval of the Atomic Safety and Licensing Board (Board); (iii) a person employed by or on behalf of the Applicant and authorized by it in accordance with NRC regulations to have access to Controlled Information; and (iv) for UCNI, a person who has been granted limited access to such UCNI in accordance with 10 CFR Part 1017.

(g) A “document” means any audio or video tape recording or written matter of any kind, whether produced, reproduced, or stored on paper, cards, tapes, ribbons, disks, belts, charts, film, computer files, computer software, computer disks or diskettes, flash drives, computer storage devices or any other medium; and includes, without limitation, books, reports, studies, statements, speeches, notebooks, calendars, working

and any notes and copies that I may make) in a secure locked place such as a filing cabinet, closet, or other appropriate locked storage container, in a manner that would prevent inadvertent access by an unauthorized individual. Copy machines must be cleared, and all paper paths or electronic memory must be cleared of materials containing Controlled Information.

6. Any secretarial or administrative work performed at my request or under my supervision will be performed by personnel who also have been qualified for such access, who also have executed a nondisclosure declaration, and for UCNI, who also have been granted limited access in accordance with 10 CFR Part 1017.

7. A. To the extent that I use a computer to generate or revise documents that contain or reveal UCNI or non-UCNI Controlled Information, the generated or revised documents shall only be saved to removable media (not to a hard drive or a network), which media shall be stored in a locked storage container or locked safe and in a manner that would prevent inadvertent access by an unauthorized individual, or be maintained in my direct physical control. When the information has been saved to removable media, all temporary electronic files that are automatically generated on the hard drive or network will be deleted.

B. I understand that Controlled Information that is UCNI shall only be generated or revised by persons who have been granted limited access in accordance with 10 CFR Part 1017. I understand and agree to process UCNI on Automated Information Systems (AIS) in accordance with 10 CFR § 1017.28, or on systems which meet the protections and requirements set forth below. (Such equivalent systems and networks are referred to in this Nondisclosure Declaration as “equivalent AIS” or “equivalent AIS network”). For such equivalent AIS or equivalent AIS network, I understand that the Department of Energy has conditionally approved a deviation under 10 CFR § 1017.5 from the requirements in 10 CFR § 1017.28, subject to Board approval

26, DC
of the July ~~XX~~, 2011 Protective Order and the granting of limited access to UCNI to the undersigned Declarant, in accordance with 10 CFR § 1017.21, and for the limited purpose of this proceeding (including any further Commission or appellate proceedings in this specific case). I also understand that compliance with the following protections and requirements is required to comply with that deviation for equivalent AIS or an equivalent AIS network.

i. The equivalent AIS or equivalent AIS network that I use must ensure that only individuals authorized to access UCNI can access that information.

ii. Each equivalent AIS network that I use which is interconnected with a public-switched broadcast network (e.g., Internet), must provide methods (including authentication and file access controls) to ensure that UCNI is protected against unauthorized access, if I use such an interconnected network to discuss, reveal or transmit UCNI.

iii. For each of the equivalent AIS and equivalent AIS networks which processes or reveals UCNI, I will use effective security controls and products in order to provide technical security, integrity and confidentiality, including virus protection (such as protection from bugs, Trojan Horses, worms, scanning, spy ware and other malware), intrusion prevention, hacker protection, and firewalls. I will ensure that the security controls and products are maintained and are operating effectively, updated periodically as updates or patches become available, and tested and reviewed at least every three years to ensure that they are functioning effectively.

iv. I will not view, process, generate, or revise documents that contain or reveal UCNI in any public place (such as, e.g., a cafeteria or while using public transportation).

v. In transmitting UCNI over telecommunications circuits (including by e mail or Internet), I will meet the requirements in 10 CFR § 1017.27(b) by encrypting all messages discussing, revealing or transmitting UCNI, using encryption algorithms that comply with

applicable federal laws, regulations and standards that address the protection of unclassified controlled information.

C. At the earlier of (a) the conclusion of this proceeding (including any further Commission or appellate proceedings in this specific case), (b) the conclusion of my participation in this proceeding, or (c) the sale or transfer of the computer used to generate or revise documents that contain or reveal UCNI or non-UCNI Controlled Information to or by a person not qualified under the July ~~2011~~^{26 DC} Protective Order, I will permanently destroy UCNI and non-UCNI Controlled Information that may be stored on that computer's storage media, whether permanent hard drive or removable, by using Symantec's "Wipe Info," or similar appropriate software, provided by Applicant at the Applicant's expense.

8. Each document I generate that contains or reveals proprietary information shall be clearly marked "Proprietary – withhold from public disclosure in accordance with 10 CFR § 2.390."

9. Each document I generate that contains or reveals SUNSI shall be clearly marked "SUNSI – withhold from public disclosure in accordance with 10 CFR § 2.390."

10. Each document I generate that contains or reveals OUO shall be clearly marked with the below stamp:

OFFICIAL USE ONLY	
<u>May</u> be exempt from public release under the Freedom of Information Act (5 U.S.C. 552), exemption number and category: _____	
Department of Energy review required before public release	
Name/Org: _____	/MOX Services Date: _____
Guidance (if applicable): _____	NRC/DOE Guide

11. Each document I generate that contains or reveals UCNI shall be clearly marked on the front of the document:

Unclassified Controlled Nuclear Information
Not for Public Dissemination

Unauthorized dissemination subject to civil and criminal sanctions under section 148 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2168)

Reviewing Official: _____
Name/Organization

Date: _____

Guidance Used: _____

The bottom of each subsequent page, or if more convenient, only those interior pages that contain UCNI, and the back of the last page must be clearly marked "Unclassified Controlled Nuclear Information," or "UCNI," if space limitations do not allow for the full page marking.

12. Each document I generate that contains information otherwise appropriately withheld under the Freedom of Information Act, 5 U.S.C. § 552(b) and 10 CFR § 2.390, the production of which is nonetheless required by NRC discovery regulations or the Board, shall be clearly marked "Withhold from public disclosure in accordance with 10 CFR § 2.390" and any additional markings necessary to ensure the protection of the contained information.

13. I shall use Controlled Information only for the purpose of participation in this proceeding (including any further Commission or appellate proceedings in this specific case).

14. I shall keep a record of all documents containing or revealing Controlled Information in my possession, including any copies of those documents or portions thereof made by me or on my behalf. At the conclusion of this proceeding (including any further Commission or appellate proceedings in this specific case), or at the conclusion of my participation in this proceeding (whichever comes first), I shall both (a) account to the Board for all the documents or other materials containing or revealing Controlled Information in my possession, custody, or control, and (b) submit such documents (including any and all portions of any notes taken in

connection with review of the documents) by U.S. Postal Service registered, certified, or express mail to the Board for destruction in accordance with applicable requirements, including, as applicable, the requirements in 10 CFR § 1017.26.

15. Either during or after this proceeding, I will not publicly reveal any Controlled Information that I receive by virtue of this proceeding as long as the information remains Controlled and is not otherwise a matter of public record.

16. I acknowledge that any violation of the terms of this declaration or the July ²⁶ ~~XX~~ ^{DC}, 2011 Protective Order, which incorporates the terms of this declaration, may result in the imposition of such sanctions on me or the organization I represent by the Board or Commission. I further acknowledge that any unauthorized disclosure of Controlled Information or violation of the Protective Order issued in this proceeding may be grounds for (a) the imposition of civil and/or criminal penalties, as set forth in 10 CFR §§ 1017.29 and 1017.30, 10 CFR § 70.91, sections 148, 223 and 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. §§ 2168, 2273, 2282), Chapter 90 of Title 18 to the United States Code, and/or (b) civil liability to the Applicant, its partners, or affiliates.

WHEREFORE, I do solemnly agree to protect and keep confidential such Controlled Information as may be disclosed to me in this proceeding, in accordance with the terms of this declaration and the July ~~26~~²⁶ ^{DC}, 2011 Protective Order. I clearly understand that my obligations to protect and keep confidential such Controlled Information survive the termination of this proceeding and remain in effect until such time as the information is no longer Controlled Information or is a matter of public record.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 5, 2011.



(Name and Organization)

counsel to Intervenor

CONTROLLED INFORMATION NONDISCLOSURE DECLARATION

I, Dr. Edson S. Lyman, declare under penalty of perjury:

1. As used in this nondisclosure declaration:

(a) "Controlled Information" means information that is: (i) proprietary, (ii) sensitive unclassified non-safeguards information (SUNSI), (iii) for official use only (OUO), (iv) Unclassified Controlled Nuclear Information (UCNI), or (v) otherwise appropriately withheld pursuant to the Freedom of Information Act, 5 U.S.C. § 552(b) and under 10 CFR § 2.390, the production of which is nonetheless required by the Board.¹

(b) "Proprietary information" is (i) any information that is properly exempt from public disclosure pursuant to the Freedom of Information Act, 5 U.S.C. § 552(b)(4) and 10 CFR § 2.390(a)(4); or (ii) any information obtained by virtue of these proceedings that is not otherwise a matter of public record and that reveals Proprietary Information. This includes commercial proprietary information owned or possessed by Shaw AREVA MOX Services, LLC (Applicant), or its partners and affiliates, or its predecessor organizations and affiliates. These entities include, but are not limited to: Shaw AREVA MOX Services LLC; AREVA NP, Inc.; the Shaw Group Inc.; Duke Engineering & Services, Inc.; Cogema S.A.; Cogema, Inc.; the Department of Energy (DOE); and Stone & Webster.

¹ "Controlled information" generally does not include basic information necessary for the identification of a document, such as the title or subject matter of the document, the date it was written, the names and affiliations of the author(s), or the names and affiliations of the recipient(s).

(c) “Sensitive unclassified non-safeguards information (SUNSI)” means any information of which the loss, misuse, modification, or unauthorized access can reasonably be foreseen to harm the public interest, the commercial or financial interests of the entity or individual to whom the information pertains, the conduct of NRC and Federal programs, or the personal privacy of individuals.

(d) “Official use only information (OUO)” means any information that is exempt from public release under the Freedom of Information Act and has the potential to damage governmental, commercial, or private interests if disseminated to persons who do not need the information to perform DOE authorized activities.

(e) “Unclassified Controlled Nuclear Information (UCNI)” means any information that is defined as such in 10 CFR § 1017.4.

(f) An “authorized person” means: (i) an employee, consultant, or contractor of the NRC entitled to access to the Controlled Information; (ii) a person who has executed a copy of this declaration upon the approval of the Atomic Safety and Licensing Board (Board); (iii) a person employed by or on behalf of the Applicant and authorized by it in accordance with NRC regulations to have access to Controlled Information; and (iv) for UCNI, a person who has been granted limited access to such UCNI in accordance with 10 CFR Part 1017.

(g) A “document” means any audio or video tape recording or written matter of any kind, whether produced, reproduced, or stored on paper, cards, tapes, ribbons, disks, belts, charts, film, computer files, computer software, computer disks or diskettes, flash drives, computer storage devices or any other medium; and includes, without limitation, books, reports, studies, statements, speeches, notebooks, calendars, working

OFFICIAL USE ONLY

May be exempt from public release under the Freedom of Information Act (5 U.S.C. 552), exemption number and category: _____

Department of Energy review required before public release

Name/Org: _____ /MOX Services Date: _____

Guidance (if applicable): _____ NRC/DOE Guide _____

- Unclassified Controlled Nuclear Information (UCNI). This includes any information that is prohibited from public disclosure pursuant to section 148 of the Atomic Energy Act of 1954, as amended, in accordance with 10 CFR Part 1017. UCNI is exempt from public disclosure pursuant to the Freedom of Information Act, 5 U.S.C. § 552(b)(3) and 10 CFR § 2.390(a)(3). UCNI shall be marked, handled, and protected in accordance with 10 CFR Part 1017. Documents containing UCNI shall be clearly marked on the front of the document:

Unclassified Controlled Nuclear Information
Not for Public Dissemination

Unauthorized dissemination subject to civil and criminal sanctions under section 148 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2168)

Reviewing Official: _____
Name/Organization

Date: _____

Guidance Used: _____

The bottom of each subsequent page, or if more convenient, only those interior pages that contain UCNI, and the back of the last page must be clearly marked "Unclassified Controlled Nuclear Information," or "UCNI," if space limitations do not allow for the full page marking.

- Other controlled information. This includes any other information appropriately withheld under the Freedom of Information Act, 5 USC § 552(b), and 10 CFR § 2.390, the production of which is nonetheless required by NRC discovery regulations or the Board. Documents containing such information shall be clearly marked "Withhold from public disclosure in accordance with 10 CFR 2.390" and any additional markings necessary to ensure the protection of the contained information.

C. This Protective Order shall remain in effect until specifically modified or terminated by the Board or the Commission. Nothing in this Protective Order precludes the

and any notes and copies that I may make) in a secure locked place such as a filing cabinet, closet, or other appropriate locked storage container, in a manner that would prevent inadvertent access by an unauthorized individual. Copy machines must be cleared, and all paper paths or electronic memory must be cleared of materials containing Controlled Information.

6. Any secretarial or administrative work performed at my request or under my supervision will be performed by personnel who also have been qualified for such access, who also have executed a nondisclosure declaration, and for UCNI, who also have been granted limited access in accordance with 10 CFR Part 1017.

7. A. To the extent that I use a computer to generate or revise documents that contain or reveal UCNI or non-UCNI Controlled Information, the generated or revised documents shall only be saved to removable media (not to a hard drive or a network), which media shall be stored in a locked storage container or locked safe and in a manner that would prevent inadvertent access by an unauthorized individual, or be maintained in my direct physical control. When the information has been saved to removable media, all temporary electronic files that are automatically generated on the hard drive or network will be deleted.

B. I understand that Controlled Information that is UCNI shall only be generated or revised by persons who have been granted limited access in accordance with 10 CFR Part 1017. I understand and agree to process UCNI on Automated Information Systems (AIS) in accordance with 10 CFR § 1017.28, or on systems which meet the protections and requirements set forth below. (Such equivalent systems and networks are referred to in this Nondisclosure Declaration as “equivalent AIS” or “equivalent AIS network”). For such equivalent AIS or equivalent AIS network, I understand that the Department of Energy has conditionally approved a deviation under 10 CFR § 1017.5 from the requirements in 10 CFR § 1017.28, subject to Board approval

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of the July [XX], 2011 Protective Order and the granting of limited access to UCNI to the undersigned Declarant, in accordance with 10 CFR § 1017.21, and for the limited purpose of this proceeding (including any further Commission or appellate proceedings in this specific case). I also understand that compliance with the following protections and requirements is required to comply with that deviation for equivalent AIS or an equivalent AIS network.

- i. The equivalent AIS or equivalent AIS network that I use must ensure that only individuals authorized to access UCNI can access that information.
- ii. Each equivalent AIS network that I use which is interconnected with a public-switched broadcast network (e.g., Internet), must provide methods (including authentication and file access controls) to ensure that UCNI is protected against unauthorized access, if I use such an interconnected network to discuss, reveal or transmit UCNI.
- iii. For each of the equivalent AIS and equivalent AIS networks which processes or reveals UCNI, I will use effective security controls and products in order to provide technical security, integrity and confidentiality, including virus protection (such as protection from bugs, Trojan Horses, worms, scanning, spy ware and other malware), intrusion prevention, hacker protection, and firewalls. I will ensure that the security controls and products are maintained and are operating effectively, updated periodically as updates or patches become available, and tested and reviewed at least every three years to ensure that they are functioning effectively.
- iv. I will not view, process, generate, or revise documents that contain or reveal UCNI in any public place (such as, e.g., a cafeteria or while using public transportation).
- v. In transmitting UCNI over telecommunications circuits (including by e mail or Internet), I will meet the requirements in 10 CFR § 1017.27(b) by encrypting all messages discussing, revealing or transmitting UCNI, using encryption algorithms that comply with

applicable federal laws, regulations and standards that address the protection of unclassified controlled information.

C. At the earlier of (a) the conclusion of this proceeding (including any further Commission or appellate proceedings in this specific case), (b) the conclusion of my participation in this proceeding, or (c) the sale or transfer of the computer used to generate or revise documents that contain or reveal UCNI or non-UCNI Controlled Information to or by a person not qualified under the July ²⁶ ~~XX~~ ²⁰¹¹ Protective Order, I will permanently destroy UCNI and non-UCNI Controlled Information that may be stored on that computer's storage media, whether permanent hard drive or removable, by using Symantec's "Wipe Info," or similar appropriate software, provided by Applicant at the Applicant's expense.

8. Each document I generate that contains or reveals proprietary information shall be clearly marked "Proprietary – withhold from public disclosure in accordance with 10 CFR § 2.390."

9. Each document I generate that contains or reveals SUNSI shall be clearly marked "SUNSI – withhold from public disclosure in accordance with 10 CFR § 2.390."

10. Each document I generate that contains or reveals OUO shall be clearly marked with the below stamp:

OFFICIAL USE ONLY	
<u>May</u> be exempt from public release under the Freedom of Information Act (5 U.S.C. 552), exemption number and category: _____	
Department of Energy review required before public release	
Name/Org: _____	/MOX Services Date: _____
Guidance (if applicable): _____	NRC/DOE Guide

11. Each document I generate that contains or reveals UCNI shall be clearly marked on the front of the document:

Unclassified Controlled Nuclear Information
Not for Public Dissemination

Unauthorized dissemination subject to civil and criminal sanctions under section 148 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2168)

Reviewing Official: _____
Name/Organization

Date: _____

Guidance Used: _____

The bottom of each subsequent page, or if more convenient, only those interior pages that contain UCNI, and the back of the last page must be clearly marked "Unclassified Controlled Nuclear Information," or "UCNI," if space limitations do not allow for the full page marking.

12. Each document I generate that contains information otherwise appropriately withheld under the Freedom of Information Act, 5 U.S.C. § 552(b) and 10 CFR § 2.390, the production of which is nonetheless required by NRC discovery regulations or the Board, shall be clearly marked "Withhold from public disclosure in accordance with 10 CFR § 2.390" and any additional markings necessary to ensure the protection of the contained information.

13. I shall use Controlled Information only for the purpose of participation in this proceeding (including any further Commission or appellate proceedings in this specific case).

14. I shall keep a record of all documents containing or revealing Controlled Information in my possession, including any copies of those documents or portions thereof made by me or on my behalf. At the conclusion of this proceeding (including any further Commission or appellate proceedings in this specific case), or at the conclusion of my participation in this proceeding (whichever comes first), I shall both (a) account to the Board for all the documents or other materials containing or revealing Controlled Information in my possession, custody, or control, and (b) submit such documents (including any and all portions of any notes taken in

connection with review of the documents) by U.S. Postal Service registered, certified, or express mail to the Board for destruction in accordance with applicable requirements, including, as applicable, the requirements in 10 CFR § 1017.26.

15. Either during or after this proceeding, I will not publicly reveal any Controlled Information that I receive by virtue of this proceeding as long as the information remains Controlled and is not otherwise a matter of public record.

16. I acknowledge that any violation of the terms of this declaration or the July ²⁶~~XX~~,  2011 Protective Order, which incorporates the terms of this declaration, may result in the imposition of such sanctions on me or the organization I represent by the Board or Commission. I further acknowledge that any unauthorized disclosure of Controlled Information or violation of the Protective Order issued in this proceeding may be grounds for (a) the imposition of civil and/or criminal penalties, as set forth in 10 CFR §§ 1017.29 and 1017.30, 10 CFR § 70.91, sections 148, 223 and 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. §§ 2168, 2273, 2282), Chapter 90 of Title 18 to the United States Code, and/or (b) civil liability to the Applicant, its partners, or affiliates.

WHEREFORE, I do solemnly agree to protect and keep confidential such Controlled Information as may be disclosed to me in this proceeding, in accordance with the terms of this declaration and the July ²⁶ [XX], 2011 Protective Order. I clearly understand that my obligations to protect and keep confidential such Controlled Information survive the termination of this proceeding and remain in effect until such time as the information is no longer Controlled Information or is a matter of public record.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 1 August, 2011.

Mr. Edwin S. Lyman
(Name and Organization)

CONTROLLED INFORMATION NONDISCLOSURE DECLARATION

I, Glenn Carroll, declare under penalty of

perjury:

1. As used in this nondisclosure declaration:

(a) "Controlled Information" means information that is: (i) proprietary, (ii) sensitive unclassified non-safeguards information (SUNSI), (iii) for official use only (OUO), (iv) Unclassified Controlled Nuclear Information (UCNI), or (v) otherwise appropriately withheld pursuant to the Freedom of Information Act, 5 U.S.C. § 552(b) and under 10 CFR § 2.390, the production of which is nonetheless required by the Board.¹

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(c) “Sensitive unclassified non-safeguards information (SUNSI)” means any information of which the loss, misuse, modification, or unauthorized access can reasonably be foreseen to harm the public interest, the commercial or financial interests of the entity or individual to whom the information pertains, the conduct of NRC and Federal programs, or the personal privacy of individuals.

(d) “Official use only information (OUO)” means any information that is exempt from public release under the Freedom of Information Act and has the potential to damage governmental, commercial, or private interests if disseminated to persons who do not need the information to perform DOE authorized activities.

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(g) A “document” means any audio or video tape recording or written matter of any kind, whether produced, reproduced, or stored on paper, cards, tapes, ribbons, disks, belts, charts, film, computer files, computer software, computer disks or diskettes, flash drives, computer storage devices or any other medium; and includes, without limitation, books, reports, studies, statements, speeches, notebooks, calendars, working

and any notes and copies that I may make) in a secure locked place such as a filing cabinet, closet, or other appropriate locked storage container, in a manner that would prevent inadvertent access by an unauthorized individual. Copy machines must be cleared, and all paper paths or electronic memory must be cleared of materials containing Controlled Information.

6. Any secretarial or administrative work performed at my request or under my supervision will be performed by personnel who also have been qualified for such access, who also have executed a nondisclosure declaration, and for UCNI, who also have been granted limited access in accordance with 10 CFR Part 1017.

7. A. To the extent that I use a computer to generate or revise documents that contain or reveal UCNI or non-UCNI Controlled Information, the generated or revised documents shall only be saved to removable media (not to a hard drive or a network), which media shall be stored in a locked storage container or locked safe and in a manner that would prevent inadvertent access by an unauthorized individual, or be maintained in my direct physical control. When the information has been saved to removable media, all temporary electronic files that are automatically generated on the hard drive or network will be deleted.

B. I understand that Controlled Information that is UCNI shall only be generated or revised by persons who have been granted limited access in accordance with 10 CFR Part 1017. I understand and agree to process UCNI on Automated Information Systems (AIS) in accordance with 10 CFR § 1017.28, or on systems which meet the protections and requirements set forth below. (Such equivalent systems and networks are referred to in this Nondisclosure Declaration as “equivalent AIS” or “equivalent AIS network”). For such equivalent AIS or equivalent AIS network, I understand that the Department of Energy has conditionally approved a deviation under 10 CFR § 1017.5 from the requirements in 10 CFR § 1017.28, subject to Board approval

of the July [XX], 2011 Protective Order and the granting of limited access to UCNI to the undersigned Declarant, in accordance with 10 CFR § 1017.21, and for the limited purpose of this proceeding (including any further Commission or appellate proceedings in this specific case). I also understand that compliance with the following protections and requirements is required to comply with that deviation for equivalent AIS or an equivalent AIS network.

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- iii. For each of the equivalent AIS and equivalent AIS networks which processes or reveals UCNI, I will use effective security controls and products in order to provide technical security, integrity and confidentiality, including virus protection (such as protection from bugs, Trojan Horses, worms, scanning, spy ware and other malware), intrusion prevention, hacker protection, and firewalls. I will ensure that the security controls and products are maintained and are operating effectively, updated periodically as updates or patches become available, and tested and reviewed at least every three years to ensure that they are functioning effectively.
- iv. I will not view, process, generate, or revise documents that contain or reveal UCNI in any public place (such as, e.g., a cafeteria or while using public transportation).
- v. In transmitting UCNI over telecommunications circuits (including by e mail or Internet), I will meet the requirements in 10 CFR § 1017.27(b) by encrypting all messages discussing, revealing or transmitting UCNI, using encryption algorithms that comply with

applicable federal laws, regulations and standards that address the protection of unclassified controlled information.

C. At the earlier of (a) the conclusion of this proceeding (including any further Commission or appellate proceedings in this specific case), (b) the conclusion of my participation in this proceeding, or (c) the sale or transfer of the computer used to generate or revise documents that contain or reveal UCNI or non-UCNI Controlled Information to or by a person not qualified under the July [XX], 2011 Protective Order, I will permanently destroy UCNI and non-UCNI Controlled Information that may be stored on that computer's storage media, whether permanent hard drive or removable, by using Symantec's "Wipe Info," or similar appropriate software, provided by Applicant at the Applicant's expense.

8. Each document I generate that contains or reveals proprietary information shall be clearly marked "Proprietary – withhold from public disclosure in accordance with 10 CFR § 2.390."

9. Each document I generate that contains or reveals SUNSI shall be clearly marked "SUNSI – withhold from public disclosure in accordance with 10 CFR § 2.390."

10. Each document I generate that contains or reveals OUO shall be clearly marked with the below stamp:

OFFICIAL USE ONLY	
<u>May</u> be exempt from public release under the Freedom of Information Act (5 U.S.C. 552), exemption number and category: _____	
Department of Energy review required before public release	
Name/Org: _____	/MOX Services Date: _____
Guidance (if applicable): _____	NRC/DOE Guide

11. Each document I generate that contains or reveals UCNI shall be clearly marked on the front of the document:

Unclassified Controlled Nuclear Information
Not for Public Dissemination

Unauthorized dissemination subject to civil and criminal sanctions under section 148 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2168)

Reviewing Official: _____
Name/Organization

Date: _____

Guidance Used: _____

The bottom of each subsequent page, or if more convenient, only those interior pages that contain UCNI, and the back of the last page must be clearly marked "Unclassified Controlled Nuclear Information," or "UCNI," if space limitations do not allow for the full page marking.

12. Each document I generate that contains information otherwise appropriately withheld under the Freedom of Information Act, 5 U.S.C. § 552(b) and 10 CFR § 2.390, the production of which is nonetheless required by NRC discovery regulations or the Board, shall be clearly marked "Withhold from public disclosure in accordance with 10 CFR § 2.390" and any additional markings necessary to ensure the protection of the contained information.

13. I shall use Controlled Information only for the purpose of participation in this proceeding (including any further Commission or appellate proceedings in this specific case).

14. I shall keep a record of all documents containing or revealing Controlled Information in my possession, including any copies of those documents or portions thereof made by me or on my behalf. At the conclusion of this proceeding (including any further Commission or appellate proceedings in this specific case), or at the conclusion of my participation in this proceeding (whichever comes first), I shall both (a) account to the Board for all the documents or other materials containing or revealing Controlled Information in my possession, custody, or control, and (b) submit such documents (including any and all portions of any notes taken in

connection with review of the documents) by U.S. Postal Service registered, certified, or express mail to the Board for destruction in accordance with applicable requirements, including, as applicable, the requirements in 10 CFR § 1017.26.

15. Either during or after this proceeding, I will not publicly reveal any Controlled Information that I receive by virtue of this proceeding as long as the information remains Controlled and is not otherwise a matter of public record.

16. I acknowledge that any violation of the terms of this declaration or the July [XX], 2011 Protective Order, which incorporates the terms of this declaration, may result in the imposition of such sanctions on me or the organization I represent by the Board or Commission. I further acknowledge that any unauthorized disclosure of Controlled Information or violation of the Protective Order issued in this proceeding may be grounds for (a) the imposition of civil and/or criminal penalties, as set forth in 10 CFR §§ 1017.29 and 1017.30, 10 CFR § 70.91, sections 148, 223 and 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. §§ 2168, 2273, 2282), Chapter 90 of Title 18 to the United States Code, and/or (b) civil liability to the Applicant, its partners, or affiliates.

WHEREFORE, I do solemnly agree to protect and keep confidential such Controlled Information as may be disclosed to me in this proceeding, in accordance with the terms of this declaration and the July [XX], 2011 Protective Order. I clearly understand that my obligations to protect and keep confidential such Controlled Information survive the termination of this proceeding and remain in effect until such time as the information is no longer Controlled Information or is a matter of public record.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 27, 2011.

Glenn Carroll
(Name and Organization)

Glenn Carroll
Nuclear Watch South

CONTROLLED INFORMATION NONDISCLOSURE DECLARATION

I, Louis A. Zeller, declare under penalty of

perjury:

1. As used in this nondisclosure declaration:

(a) "Controlled Information" means information that is: (i) proprietary, (ii) sensitive unclassified non-safeguards information (SUNSI), (iii) for official use only (OUO), (iv) Unclassified Controlled Nuclear Information (UCNI), or (v) otherwise appropriately withheld pursuant to the Freedom of Information Act, 5 U.S.C. § 552(b) and under 10 CFR § 2.390, the production of which is nonetheless required by the Board.¹

(b) "Proprietary information" is (i) any information that is properly exempt from public disclosure pursuant to the Freedom of Information Act, 5 U.S.C. § 552(b)(4) and 10 CFR § 2.390(a)(4); or (ii) any information obtained by virtue of these proceedings that is not otherwise a matter of public record and that reveals Proprietary Information. This includes commercial proprietary information owned or possessed by Shaw AREVA MOX Services, LLC (Applicant); or its partners and affiliates, or its predecessor organizations and affiliates. These entities include, but are not limited to: Shaw AREVA MOX Services LLC; AREVA NP, Inc.; the Shaw Group Inc.; Duke Engineering & Services, Inc.; Cogema S.A.; Cogema, Inc.; the Department of Energy (DOE); and Stone & Webster.

¹ "Controlled information" generally does not include basic information necessary for the identification of a document, such as the title or subject matter of the document, the date it was written, the names and affiliations of the author(s), or the names and affiliations of the recipient(s).

(c) “Sensitive unclassified non-safeguards information (SUNSI)” means any information of which the loss, misuse, modification, or unauthorized access can reasonably be foreseen to harm the public interest, the commercial or financial interests of the entity or individual to whom the information pertains, the conduct of NRC and Federal programs, or the personal privacy of individuals.

(d) “Official use only information (OUO)” means any information that is exempt from public release under the Freedom of Information Act and has the potential to damage governmental, commercial, or private interests if disseminated to persons who do not need the information to perform DOE authorized activities.

(e) “Unclassified Controlled Nuclear Information (UCNI)” means any information that is defined as such in 10 CFR § 1017.4.

(f) An “authorized person” means: (i) an employee, consultant, or contractor of the NRC entitled to access to the Controlled Information; (ii) a person who has executed a copy of this declaration upon the approval of the Atomic Safety and Licensing Board (Board); (iii) a person employed by or on behalf of the Applicant and authorized by it in accordance with NRC regulations to have access to Controlled Information; and (iv) for UCNI, a person who has been granted limited access to such UCNI in accordance with 10 CFR Part 1017.

(g) A “document” means any audio or video tape recording or written matter of any kind, whether produced, reproduced, or stored on paper, cards, tapes, ribbons, disks, belts, charts, film, computer files, computer software, computer disks or diskettes, flash drives, computer storage devices or any other medium; and includes, without limitation, books, reports, studies, statements, speeches, notebooks, calendars, working

and any notes and copies that I may make) in a secure locked place such as a filing cabinet, closet, or other appropriate locked storage container, in a manner that would prevent inadvertent access by an unauthorized individual. Copy machines must be cleared, and all paper paths or electronic memory must be cleared of materials containing Controlled Information.

6. Any secretarial or administrative work performed at my request or under my supervision will be performed by personnel who also have been qualified for such access, who also have executed a nondisclosure declaration, and for UCNI, who also have been granted limited access in accordance with 10 CFR Part 1017.

7. A. To the extent that I use a computer to generate or revise documents that contain or reveal UCNI or non-UCNI Controlled Information, the generated or revised documents shall only be saved to removable media (not to a hard drive or a network), which media shall be stored in a locked storage container or locked safe and in a manner that would prevent inadvertent access by an unauthorized individual, or be maintained in my direct physical control. When the information has been saved to removable media, all temporary electronic files that are automatically generated on the hard drive or network will be deleted.

B. I understand that Controlled Information that is UCNI shall only be generated or revised by persons who have been granted limited access in accordance with 10 CFR Part 1017. I understand and agree to process UCNI on Automated Information Systems (AIS) in accordance with 10 CFR § 1017.28, or on systems which meet the protections and requirements set forth below. (Such equivalent systems and networks are referred to in this Nondisclosure Declaration as "equivalent AIS" or "equivalent AIS network"). For such equivalent AIS or equivalent AIS network, I understand that the Department of Energy has conditionally approved a deviation under 10 CFR § 1017.5 from the requirements in 10 CFR § 1017.28, subject to Board approval

of the July [XX], 2011 Protective Order and the granting of limited access to UCNI to the undersigned Declarant, in accordance with 10 CFR § 1017.21, and for the limited purpose of this proceeding (including any further Commission or appellate proceedings in this specific case). I also understand that compliance with the following protections and requirements is required to comply with that deviation for equivalent AIS or an equivalent AIS network.

- i. The equivalent AIS or equivalent AIS network that I use must ensure that only individuals authorized to access UCNI can access that information.
- ii. Each equivalent AIS network that I use which is interconnected with a public-switched broadcast network (e.g., Internet), must provide methods (including authentication and file access controls) to ensure that UCNI is protected against unauthorized access, if I use such an interconnected network to discuss, reveal or transmit UCNI.
- iii. For each of the equivalent AIS and equivalent AIS networks which processes or reveals UCNI, I will use effective security controls and products in order to provide technical security, integrity and confidentiality, including virus protection (such as protection from bugs, Trojan Horses, worms, scanning, spy ware and other malware), intrusion prevention, hacker protection, and firewalls. I will ensure that the security controls and products are maintained and are operating effectively, updated periodically as updates or patches become available, and tested and reviewed at least every three years to ensure that they are functioning effectively.
- iv. I will not view, process, generate, or revise documents that contain or reveal UCNI in any public place (such as, e.g., a cafeteria or while using public transportation).
- v. In transmitting UCNI over telecommunications circuits (including by e mail or Internet), I will meet the requirements in 10 CFR § 1017.27(b) by encrypting all messages discussing, revealing or transmitting UCNI, using encryption algorithms that comply with

applicable federal laws, regulations and standards that address the protection of unclassified controlled information.

C. At the earlier of (a) the conclusion of this proceeding (including any further Commission or appellate proceedings in this specific case), (b) the conclusion of my participation in this proceeding, or (c) the sale or transfer of the computer used to generate or revise documents that contain or reveal UCNI or non-UCNI Controlled Information to or by a person not qualified under the July [XX], 2011 Protective Order, I will permanently destroy UCNI and non-UCNI Controlled Information that may be stored on that computer's storage media, whether permanent hard drive or removable, by using Symantec's "Wipe Info," or similar appropriate software, provided by Applicant at the Applicant's expense.

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Name/Organization

Date: _____

Guidance Used: _____

The bottom of each subsequent page, or if more convenient, only those interior pages that contain UCNI, and the back of the last page must be clearly marked "Unclassified Controlled Nuclear Information," or "UCNI," if space limitations do not allow for the full page marking.

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connection with review of the documents) by U.S. Postal Service registered, certified, or express mail to the Board for destruction in accordance with applicable requirements, including, as applicable, the requirements in 10 CFR § 1017.26.

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16. I acknowledge that any violation of the terms of this declaration or the July [XX], 2011 Protective Order, which incorporates the terms of this declaration, may result in the imposition of such sanctions on me or the organization I represent by the Board or Commission. I further acknowledge that any unauthorized disclosure of Controlled Information or violation of the Protective Order issued in this proceeding may be grounds for (a) the imposition of civil and/or criminal penalties, as set forth in 10 CFR §§ 1017.29 and 1017.30, 10 CFR § 70.91, sections 148, 223 and 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. §§ 2168, 2273, 2282), Chapter 90 of Title 18 to the United States Code, and/or (b) civil liability to the Applicant, its partners, or affiliates.

WHEREFORE, I do solemnly agree to protect and keep confidential such Controlled Information as may be disclosed to me in this proceeding, in accordance with the terms of this declaration and the July [XX], 2011 Protective Order. I clearly understand that my obligations to protect and keep confidential such Controlled Information survive the termination of this proceeding and remain in effect until such time as the information is no longer Controlled Information or is a matter of public record.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 27, 2011.

Louis A. Elbo

(Name and Organization)

Blue Ridge
Environmental
Defense League



August 8, 2011

BY HAND DELIVERY TO
Douglas Fremont, Chief
Defense Nuclear Security NA-70
National Nuclear Security Administration
1000 Independence Avenue S.W.
Washington, D.C. 20585-0103

SUBJECT: *Request for access to UCNI related to MOX FFF operating license application*

Dear Mr. Fremont:

As promised in my letter to you dated July 26, 2011, I am sending copies of executed revised nondisclosure declarations for myself, Dr. Edwin Lyman, Glenn Carroll, and Louis Zeller. Originals of the executed nondisclosure declarations were provided to counsel for Shaw Areva MOX Services, Inc., under the terms of the Atomic Safety and Licensing Board's July 26, 2011 revised Protective Order in the NRC licensing proceeding for the proposed MOX Fuel Fabrication Facility.

Sincerely,

Diane Curran

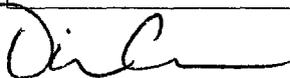
Attachments: As stated

Cc w/ Atts.: Donald J. Silverman, Esq. (SAMS Counsel)
Anna Vinson, Esq. (SAMS Counsel)
Brett Klukan, Esq. (NRC Staff Counsel)
Michael C. Farrar, ASLB Chairman
Nicholas g. Trikouros, ASLB
Lawrence G. McDade, ASLB

CERTIFICATE OF SERVICE

I certify that on August 8, 2011, copies of a letter from Diane Curran to the ASLB dated August 6, 2011, were served on the following parties by e-mail and first-class mail:

Secretary of the Commission Rulemakings and Adjudications Staff U.S. Nuclear Regulatory Commission Mail Stop: 0-16C1 Washington, DC 20555 hearingdocket@nrc.gov	Lawrence G. McDade Atomic Safety & Licensing Board U.S. Nuclear Regulatory Commission Mail Stop: T-3 F23 Washington, DC 20555 lgm1@nrc.gov
Michael C. Farrar, Chairman Atomic Safety & Licensing Board U.S. Nuclear Regulatory Commission Mail Stop: T-3 F23 Washington, DC 20555 mcf@nrc.gov	Dr. Nicholas G. Trikouros Atomic Safety & Licensing Board U.S. Nuclear Regulatory Commission Mail Stop: T-3 F23 Washington, DC 20555 ngt@nrc.gov
Donald J. Silverman, Esq. Anna V. Jones, Esq. Timothy P. Matthews, Esq. Morgan, Lewis & Bockius 1111 Pennsylvania Avenue N.W. Washington, D.C. 20004 ajones@morganlewis.com dsilverman@morganlewis.com tmatthews@morganlewis.com	Brett Michael Klukan, Esq. Catherine Marco, Esq. Office of the General Counsel U.S. Nuclear Regulatory Commission Mail Stop: 0-15D21 Washington, DC 20555 Catherine.marco@nrc.gov Brett.Klukan@nrc.gov
Josh Kirstein, Law Clerk Atomic Safety & Licensing Board U.S. Nuclear Regulatory Commission Washington, DC 20555 Josh.kirstein@nrc.gov	Glenn Carroll Nuclear Watch South P.O. Box 8574 Atlanta, GA 31106 Atom.girl@mindspring.com
Louis A. Zeller Blue Ridge Environmental Defense League P.O. Box 88 Glendale Springs, NC 28629 bredl@skybest.com	Mary Olson Nuclear Information & Resource Service P.O. Box 7586 Asheville, NC 28802 maryo@nirs.org



Diane Curran