

Mr. Robert W. Sharkey, Director
Regulatory Affairs
ABB Combustion Engineering
Nuclear Power, Inc.
3300 State Road P
Festus, Missouri 63028

SUBJECT: PHYSICAL SECURITY PLAN CHANGES (TAC NO. L31254)

Dear Mr. Sharkey:

In accordance with your application dated September 10, 1999, and pursuant to Part 70 to Title 10 of the Code of Federal Regulations, Materials License SNM-33 is hereby amended to include Revision 4 to your "Physical Security Plan for Protection of Nuclear Material of Low Strategic Significance," dated September 1999. Accordingly, Safeguards Condition SG-2.1 has been revised and reads as follows:

SG-2.1 The licensee shall follow the physical protection plan entitled, "Physical Security Plan for Protection of Nuclear Material of Low Strategic Significance," Revision 4 dated September 1999 (letter dated September 10, 1999); and as it may be further revised in accordance with the provisions of 10 CFR 70.32(e).

All other license conditions shall remain the same.

Enclosed are copies of the revised Materials License SNM-33 and the Safeguards Evaluation Report which includes the Categorical Exclusion Determination.

We have determined that the enclosures to your September 10, 1999, letter contain information of the type specified in 10 CFR 2.790(d). Accordingly, pursuant to Section 2.790(d)(1), such information is deemed to be commercial or financial within the meaning of 10 CFR 9.17(a)(4) and shall be withheld from public disclosure subject to the provisions of 10 CFR 9.23.

Sincerely,

Theodore S. Sherr, Chief
Licensing and International
Safeguards Branch
Division of Fuel Cycle Safety
and Safeguards, NMSS

Docket 70-36
License SNM-33
Amendment 30

Enclosures: 1. Materials License SNM-33
2. Safeguards Evaluation Report

Mr. Robert W. Sharkey, Director
 Regulatory Affairs
 ABB Combustion Engineering
 Nuclear Power, Inc.
 3300 State Road P
 Festus, Missouri 63028

SUBJECT: PHYSICAL SECURITY PLAN CHANGES (TAC NO. L31254)

Dear Mr. Sharkey:

In accordance with your application dated September 10, 1999, and pursuant to Part 70 to Title 10 of the Code of Federal Regulations, Materials License SNM-33 is hereby amended to include Revision 4 to your "Physical Security Plan for Protection of Nuclear Material of Low Strategic Significance," dated September 1999. Accordingly, Safeguards Condition SG-2.1 has been revised and reads as follows:

SG-2.1 The licensee shall follow the physical protection plan entitled, "Physical Security Plan for Protection of Nuclear Material of Low Strategic Significance," Revision 4 dated September 1999 (letter dated September 10, 1999); and as it may be further revised in accordance with the provisions of 10 CFR 70.32(e).

All other license conditions shall remain the same.

Enclosed are copies of the revised Materials License SNM-33 and the Safeguards Evaluation Report which includes the Categorical Exclusion Determination.

We have determined that the enclosures to your September 10, 1999, letter contain information of the type specified in 10 CFR 2.790(d). Accordingly, pursuant to Section 2.790(d)(1), such information is deemed to be commercial or financial within the meaning of 10 CFR 9.17(a)(4) and shall be withheld from public disclosure subject to the provisions of 10 CFR 9.23.

Sincerely,

Theodore S. Sherr, Chief
 Licensing and International
 Safeguards Branch
 Division of Fuel Cycle Safety
 and Safeguards, NMSS

Docket 70-36
 License SNM-33
 Amendment 30

- Enclosures: 1. Materials License SNM-33
 2. Safeguards Evaluation Report

DISTRIBUTION: w/encl. (Control No. 87OP) [COMPLETED]

Docket 70-36	PUBLIC	NRC File Center	FCSS R/F
Region III	LIB R/F	NMSS R/F	SHO
MAdams	FCOB	PMDA	RMilstein

OFC	FLIB		FLIB		FLIB		FLIB		FLIB	
NAME	ARayland:mm		PShea		SSoong		CEmeigh		TSherr	
DATE	11/ /99		11/ /99		11/ /99		11/ /99		11/ /99	

DOCKET: 70-36

LICENSEE: ABB Combusting Engineering Nuclear Power Inc,
Hematite, Missouri

SUBJECT: SAFEGUARDS EVALUATION REPORT, PHYSICAL SECURITY PLAN FOR
PROTECTION OF NUCLEAR MATERIAL OF LOW STRATEGIC
SIGNIFICANCE, REVISION 4, DATED SEPTEMBER 1999

BACKGROUND

By application dated September 10, 1999, the ABB Combusting Engineering Nuclear Power Inc., Hematite, Missouri, submitted changes to their physical security plan under the provisions of 10 CFR 70.32(e).

DISCUSSION

This revision falls within the provisions of 10 CFR 70.32(e) and does not decrease security effectiveness. Revision 4 has been updated to reflect the current site layout, organization and operations. Editorial changes and corrections have also been made.

Accordingly, the following license condition has been modified as stated:

SG-2.1 The licensee shall follow the physical protection plan entitled, "Physical Security Plan For Protection of Nuclear Material of Low Strategic Significance," Revision 4 dated September 1999 (letter dated September 10, 1999); and as it may be further revised in accordance with the provisions of 10 CFR 70.32(e).

This submittal has been discussed with Region II and the inspector has no objections.

CATEGORICAL EXCLUSION

The staff has determined that the proposed changes do not adversely affect the public health and safety, the common defense and security, or the environment and are otherwise in the public interest. The provisions in 10 CFR 51.22(c)(12) cite an exclusion for safeguards plans and material accountability. Therefore, neither an environmental assessment nor an environmental impact statement is warranted for this action.

CONCLUSION/RECOMMENDATION

The staff has reviewed ABB Combusting Engineering Nuclear Power Inc.'s Revision 4 of the physical security plan and determined that the proposed changes meet regulatory requirements. Further, we have determined that the requested actions should have no adverse affect on the public health and safety or on the environment.

Approval of the application recommended.

PRINCIPAL CONTRIBUTOR

Andrew D. Rayland

NRC FORM 374

U.S. NUCLEAR REGULATORY COMMISSION

MATERIALS LICENSE**CORRECTED COPY**

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974 (Public Law 93-438), and Title 10, Code of Federal Regulations, Chapter I, Parts 30, 31, 32, 33, 34, 35, 36, 39, 40, and 70, and in reliance on statements and representations heretofore made by the licensee, a license is hereby issued authorizing the licensee to receive, acquire, possess, and transfer byproduct, source, and special nuclear material designated below; to use such material for the purpose(s) and at the place(s) designated below; to deliver or transfer such material to persons authorized to receive it in accordance with the regulations of the applicable Part(s). This license shall be deemed to contain the conditions specified in Section 183 of the Atomic Energy Act of 1954, as amended, and is subject to all applicable rules, regulations, and orders of the Nuclear Regulatory Commission now or hereafter in effect and to any conditions specified below.

Licensee	
1. ABB Combustion Engineering Nuclear Power, Inc.	3. License Number SNM-33, Amendment 30
2. 3300 State Road P Festus, Missouri 63028	4. Expiration Date July 31, 2004
	5. Docket No. 70-36 Reference No.

6. Byproduct Source, and/or Special Nuclear Material	7. Chemical and/or Physical Form	8. Maximum amount that Licensee May Possess at Any One Time Under This License
A. Uranium enriched to maximum 5.0 weight percent in the U-235 isotope	A. Any (excluding metal powders)	A. 20,000 kilograms U-235
B. Uranium, enriched to any enrichment in the U-235 isotope	B. Any (excluding metal powders)	B. 350 grams U-235
C. Source material (uranium and thorium)	C. Any (excluding metal powders)	C. 50,000 kilograms
D. Cobalt-60	D. Sealed sources	D. 40 millicuries
E. Cesium-137	E. Sealed sources	E. 500 millicuries
F. Mixed activation and fission product calibration sources including Am-241	F. Solid sources	F. 200 microcuries
G. Californium-252	G. Sealed sources	G. 4 milligrams

9. Authorized place of use: The licensee's existing facilities in Hematite, Missouri, as described in the license renewal application.

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License Number

SNM-33

Docket or Reference Number

70-36

Amendment No. 30

CORRECTED COPY

10. The license shall be deemed to contain two sections: Safety Conditions and Safeguards Conditions. These sections are part of the license, and the licensee is subject to compliance with all listed conditions in each section.



Date: _____

By: Theodore S. Sherr, Chief
Division of Fuel Cycle Safety
and Safeguards, NMSS
Washington, DC 20555

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License Number

SNM-33

Docket or Reference Number

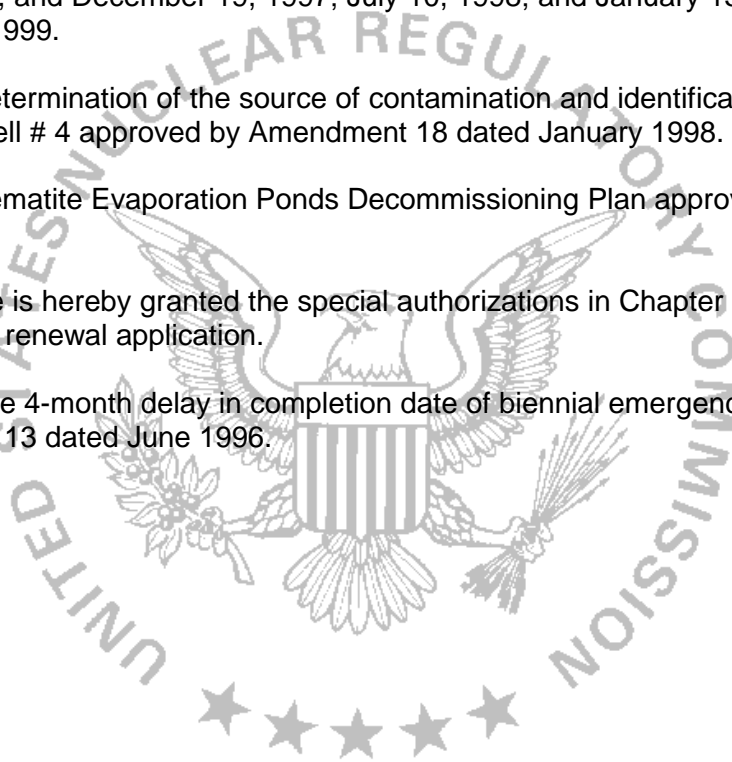
70-36

Amendment No. 30

CORRECTED COPY

SAFETY CONDITIONS

- S-1. Authorized use: For use in accordance with the statements, representations, and conditions in Chapters 1 through 8 of the application dated October 29, 1993, and supplements dated November 24, 1993; January 14, January 28, March 21, April 20, June 14, October 24, and October 26, 1994; January 28, February 27, March 10, April 24, July 27, October 31, and December 15, 1995; January 26, May 29, and October 23, 1996; May 30, August 8, August 11, August 12, October 22, December 8, and December 19, 1997; July 10, 1998; and January 15, March 12, June 3, and August 13, 1999.
- S-2. Deleted - Determination of the source of contamination and identification of the contaminants in burial site well # 4 approved by Amendment 18 dated January 1998.
- S-3. Deleted - Hematite Evaporation Ponds Decommissioning Plan approved by Amendment 4 dated May 1995.
- S-4. The licensee is hereby granted the special authorizations in Chapter 1, Section 1.6(a) through 1.6(h) of the renewal application.
- S-5. Deleted - The 4-month delay in completion date of biennial emergency exercise was deleted by Amendment 13 dated June 1996.



**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License Number

SNM-33

Docket or Reference Number

70-36

Amendment No. 30

CORRECTED COPY

SAFEGUARDS CONDITIONS

Section 1.0 - Material Control & Accounting

- SG-1.1 The licensee shall follow Sections 1.0, 6.0, 7.0, and 9.0 with all pages dated April 28, 1995, Sections 2.0 and 8.0 with all pages dated December 8, 1997, and Sections 3.0, 4.0, and 5.0 with all pages dated February 25, 1999, of its Fundamental Nuclear Material Control Plan. This Plan may be further revised in accordance with, and pursuant to, the provisions of either 10 CFR 70.32(c) or 70.34.
- SG-1.2 Deleted - This was deleted by Amendment 16 dated February 1997.
- SG-1.3 Deleted - This was deleted by Amendment 16 dated February 1997.
- SG-1.4 Deleted - This was deleted by Amendment 16 dated February 1997.
- SG-1.5 Deleted - This was deleted by Amendment 16 dated February 1997.
- SG-1.6 Deleted - This was deleted by Amendment 14 dated July 1996.
- SG-1.7 Deleted - This was deleted by Amendment 25 dated May 1999.
- SG-1.8 Deleted - This was deleted by Amendment 25 dated May 1999.
- SG-1.9 Deleted - This was deleted by Amendment 29 dated October 1999.
- SG-1.10 Notwithstanding the commitment, in Section 4.3.1 of the FNMC Plan identified in Condition SG-1.1, to perform receipt verification measurements and distribute DOE/NRC Form 741 within 30 days, the licensee shall have until October 20, 1999, to fulfill the above stated commitments relative to the three UF₆ cylinders identified in the request letter dated September 20, 1999.

Section 2.0 - Physical Protection for SNM of Low Strategic Significance

- SG-2.1 The licensee shall follow the physical protection plan entitled, "Physical Security Plan for Protection of Nuclear Material of Low Strategic Significance" Revision 4 dated September, 1999 (letter dated September 10, 1999); and as it may be further revised in accordance with the provisions of 10 CFR 70.32(e).
- SG-2.2 The licensee shall ensure that the surveillance tour, conducted by the guards or authorized person in accordance with Section 3.1.1, includes surveillance over the UF₆ outdoor storage area.

Section 3.0 - International Safeguards

- SG-3.1 The licensee shall follow all sub-codes within Codes 1 through 6 of the Transitional Facility Attachment No. 14A, with the date of entry into force of December 4, 1995, to the US/IAEA Safeguards Agreement.