



Department of Energy

Washington, DC 20585

October 4, 1996

Document Control Desk
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
ATTN: Mr. James H. Wilson

Subject: DOE Clearances for NRC Licensees Supporting Tritium Program; Project No. 697

Dear Gentlemen:

The U.S. Department of Energy (DOE), through its contractor, Pacific Northwest National Laboratory, is entering into agreements with two NRC licensees to provide irradiation services for lead test assemblies (LTA) in support of the DOE Commercial Light Water Reactor Project (CLWRP). Additional support of the CLWRP will be provided by the Westinghouse Nuclear Fuels organization, as the fuel supplier for the two utilities. Participation in the CLWRP will require that access authorization be granted to a limited number of employees in each of the licensee organizations (utilities and fuel vendor). Access authorization to Secret and/or Confidential Restricted Data (SRD and CRD) will be required.

The NRC licensees participating in lead test assembly activities associated with the CLWRP are the Tennessee Valley Authority (Watts Bar Nuclear), the Southern Nuclear Company/Georgia Power Company (Plant Vogtle), and the Westinghouse Nuclear Fuels Company.

Based on input from Pacific Northwest National Laboratory, following an evaluation of the information that must be provided to the licensee employees to enable them to perform their work related to the CLWRP, the DOE is currently processing a limited number of "Q" and "L" access authorizations for the licensee employees. Access authorization is required to enable the employees to perform their responsibilities to assure that the LTAs do not involve an unreviewed safety question or reduce the level of protection afforded to public health and safety. Licensee input to the LTA design is necessary to ensure that the LTA is compatible with the plant design parameters and that the facility, with the LTAs installed, will continue to operate within the conditions of the plant licensing basis.

Based on our review of Title 10 Code of Federal Regulations Part 25 and 95 (10CFR25, 10CFR50.37 and 10CFR95), and discussions with members of the NRC Division of Security, it is our understanding that NRC licensees seeking access authorization from the DOE, based on their participation in the CLWRP, do not require additional access authorization or security facility approval from the NRC (as the above referenced regulations would require). DOE will perform the required background investigations appropriate to the level of access authorization being sought ("L" or "Q") for the personnel. We will also perform the reviews necessary to complete the security facility approval to assure that any DOE classified matter to be handled or stored at the facility is appropriately safeguarded.

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Processing of these access authorizations and facility approvals by the Department of Energy for these NRC licensees is consistent with the direction provided in Executive Order 12968 (August 2, 1995) and the NRC Proposed Rule on Access to and Protection of Classified Information (61FR40555), dated August 5, 1996.

The purpose of this letter is to provide you with our understanding of the NRC regulations pertaining to the participation of NRC licensees in this DOE program. Your concurrence with this understanding is requested.

Sincerely,

A handwritten signature in cursive script, appearing to read "Stephen M. Sohinki".

Stephen M. Sohinki
Director
Office of Commercial Light
Water Reactor Production
Defense Programs