

July 31, 2008

Mr. Lewis D. Lacey, Jr.
Nye County
Nuclear Waste Repository Project Office
1210 E. Basin Road, Ste. #6
Pahrump, NV 89060

Dear Mr. Lacey:

I am responding to your letter of June 18, 2008, to the U.S. Nuclear Regulatory Commission (NRC) staff, requesting Nye County staff and consultant access to classified and sensitive unclassified information. This access is for possible participation in anticipated proceedings on a license application from the U.S. Department of Energy (DOE), for a high-level waste repository at Yucca Mountain, Nevada. Different requirements apply for the two different types of non-public information.

Access to classified information requires both an appropriate security clearance and a demonstrated need to know. For the classified information submitted by DOE as part of, and accompanying, its license application, the minimum level of security clearance required is an L-Clearance, as well as additional considerations because of the specific nature of the classified information. This letter outlines the process to apply for security clearance through NRC for the five individuals identified by Nye County as possible participants. We understand that all these individuals are U.S. citizens, and that, in supporting Nye County, cleared individuals would view, but not possess, the classified information contained in the Yucca Mountain proceeding. Suitable arrangements will need to be made with DOE for access to, and use of, DOE-approved facilities by cleared individuals.

As part of, and accompanying, its license application, DOE also submitted information that is non-public, sensitive unclassified non-safeguards information, marked as DOE-Official Use Only. The process to obtain access to this type of information is given in the Third Case Management Order issued by the NRC Atomic Safety Licensing Board, Pre-Application Presiding Officer, on August 30, 2007.

The process for the Nye County staff and consultants to apply for security clearance through NRC involves several steps. To begin, please provide the following initial information for each of the individuals to Mr. Kien Chang, of my staff, at (301) 492-3171:

1. Full Name
2. Social Security Number
3. Date of Birth
4. Place of Birth
5. Citizenship
6. Telephone Number
7. E-mail Address

This information will be entered into a database that will allow the individuals to proceed, using the material in the five enclosed security packages. Each package contains the following items: (1) instructions on completing the Standard Form 86 electronically, via the internet; (2) Fingerprint

Cards, FD-258; (3) NRC Form 176; and (4) the form titled "Fair Credit Reporting Act of 1970, as amended." After their initial information has been provided to Mr. Chang, each individual will be notified to proceed with completing the SF-86 form electronically.

Each individual should then complete the three forms in the security package (i.e., FD-258, NRC Form 176, and the form titled "Fair Credit Reporting Act of 1970, as amended") and send them to Mr. Chang, at the address given below. Please follow the instructions contained in the security packages to ensure that the forms are completed correctly. Each completed security package should also include a check payable to the U.S. Nuclear Regulatory Commission, in the amount of \$398.00, to cover the current costs associated with the processing of each L-Clearance requested. Background investigations associated with an L-Clearance may take up to 1 year to complete.

Please send the completed forms to Mr. Chang, at the following address:

Mr. Kien Chang, Project Manager
Division of High-Level Waste Repository Safety
Mail Stop: EBB-2-B02
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

If you have any questions about this matter, please contact Mr. Kien Chang, of my staff, at (301) 492-3171, or by e-mail, at kien.chang@nrc.gov.

Sincerely,

/RA/

Aby Mohseni, Deputy Director
Licensing and Inspection Directorate
Division of High-Level Waste Repository Safety
Office of Nuclear Material Safety
and Safeguards

cc: Zoie L. Choate
Jeff Van Niel
Mal Murphy

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In addition, NRC requests the following information on the five individuals:

1. Relevant work history and expertise, with respect to duties that each individual will perform for Nye County in the anticipated proceedings regarding the license application from DOE;
2. Relevant education; and
3. Justification for why this individual's expertise is needed by Nye County for the anticipated proceedings on the license application.

Please send this information, and the completed forms, to Mr. Chang, at the following address:

Mr. Kien Chang, Project Manager
 Division of High-Level Waste Repository Safety
 Mail Stop: EBB-2-B02
 U. S. Nuclear Regulatory Commission
 Washington, DC 20555-0001

If you have any questions about this matter, please contact Mr. Kien Chang, of my staff, at (301) 492-3171, or by e-mail, at kien.chang@nrc.gov.

Sincerely,

/RA/

Aby Mohseni, Deputy Director
 Licensing and Inspection Directorate
 Division of High-Level Waste Repository Safety
 Office of Nuclear Material Safety
 and Safeguards

cc: Zoie L. Choate
 Jeff Van Niel
 Mal Murphy

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|-------------|---------|---------|-------------|---------|-------------|----------|
| OFC | HLWRS | Tech Ed | ADM | OGC-NLO | HLWRS | HLWRS |
| NAME | KChang | EKraus | SSchoenmann | MBupp | JRubenstone | AMohseni |
| DATE | 6/25/08 | 6/23/08 | 7/28/08 | 7/29/08 | 6/26/08 | 7/31/08 |

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