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June 18, 2004

Patrick A. Card
Director of Security
Naval Nuclear Propulsion Program
U.S. Department of Energy
Washington, DC 20585

Dear Mr. Card:

I am responding to your letter of May 10, 2004, requesting that the U.S. Nuclear Regulatory Commission (NRC) consider documents currently available to the public in the licensing files for Nuclear Fuel Services (NFS) in Erwin, TN, and BWX Technologies (BWXT) in Lynchburg, VA, be treated as Official Use Only (OUO) and removed from public access.

In this regard, based on previous meetings and discussions that provided the framework for your May 10, 2004, letter, and in the post 9/11 environment, NRC agrees to protect existing licensing documents concerning NFS and BWXT as OUO. Therefore, we are initiating action to remove the information from public access. However, the removal of an estimated 2000+ current full text documents from public access is a time and labor intensive effort requiring significant resources. It will take several weeks to complete this task. Further, the removal of an additional 16,000+ bibliographic citations to legacy documents will take significantly more time.

NRC also agrees in principle that future submissions of information to NRC regarding NFS and BWXT will be treated minimally as OUO and will not be made publicly available, subject to the following understandings:

- that Department of Energy Naval Nuclear Propulsion Program (DOE/NR) will provide guidance to its contractors for clearly marking sensitive information;
- that DOE/NR contractors are responsible for marking sensitive information minimally as OUO prior to submitting the information to NRC. NRC will honor the marking and not make it accessible to the public;

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<p>OFFICIAL USE ONLY</p> <p>May be exempt from public release under the Freedom of Information Act (5 U.S.C. 552)</p> <p>Exemption Number _____</p> <p>Nuclear Regulatory Commission review required before public release.</p> <p>_____ Name and organization of person making determination.</p> <p>Date of Determination _____</p>
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- that neither the information concerning the commercial production enterprise at NFS's Blended Low Enriched Uranium facility, the Licensing Support Network, or other non-NR commercial information will be removed from public access unless DOE/NR or its contractors clarify which specific information should be protected;
- NRC will develop a Communication Plan to address the anticipated inquiries from the press and public.

Within the limits as noted above, NRC plans to begin removing the documents it can identify that are referenced in your original correspondence dated February 18, 2004, followed by the chronological removal of the materials beginning with the most recent documents.

We look forward to the continuing mutual cooperation of our respective agencies. Should you wish to discuss this issue further, do not hesitate to contact me at 301-415-6828.

Sincerely,

/RA/

Glenn M. Tracy, Director
Division of Nuclear Security
Office of Nuclear Security and Incident Response