

From: Bill Gleaves
To: cardpa@navsea.navy.mil
Date: 7/1/05 9:16AM
Subject: Communication Plan - Withholding of Information Concerning NFS and BWXT,
Revision 1 ~~010~~

~~OFFICIAL USE ONLY~~

Mr. Card,

Per our phone call this morning, and attached for your information, is our revised Communication Plan related to your request that we withhold information from the public. If you have comments or questions, please do not hesitate to contact me.

Sincerely,
Billy

P.S. I will also be sending copies of the revised communication plan to BWXT and NFS for their information today.

William (Billy) Gleaves
Project Manager for BWX Technologies, Inc.
Project Manager for Framatome ANP Inc., Lynchburg, VA
Backup Project Manager for Idaho State University
Project Engineer (Mechanical)
Fuel Manufacturing Section
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~~OFFICIAL USE ONLY~~

CC: Donald Stout; John Lubinski; Julie Olivier; Kevin Ramsey; Merritt Baker; Michael Lamastra

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**U.S. NUCLEAR REGULATORY COMMISSION
COMMUNICATION PLAN
FOR THE WITHHOLDING OF INFORMATION
CONCERNING NUCLEAR FUEL SERVICES
AND BWX TECHNOLOGIES, INC.
Revision 1**

Background

On May 10, 2004, the Department of Energy/Naval Reactors (DOE/NR) informed the Nuclear Regulatory Commission (NRC) that documentation pertaining to the NRC licensees Nuclear Fuel Services, Inc. (NFS) and BWX Technologies, Inc. (BWXT), which had been made publicly available by the NRC should be considered, at a minimum, Official Use Only (OUO) on the basis that it constitutes sensitive unclassified information (SUI). DOE/NR determined that public access to the collection of documents related to these facilities constitutes a threat to national security and, therefore, information related to NR programs needed to be removed from the public server. As part of honoring that request, and as directed by the Commission, the NRC removed the information from public access. In addition to removing BWXT and NFS information from public access, the staff will designate all future exchanges of information between the NRC and NFS or BWXT, related to the DOE/NR programs, as OUO, at a minimum.

For the NFS BLEU project and other activities at BWXT and NFS that are located outside of the protected area, the Office of Nuclear Material Safety and Safeguards (NMSS) will continue to coordinate with the licensees, and, if necessary, DOE/NR to ensure that information regarding these sites is handled appropriately.

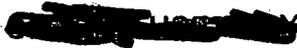
Objectives

This Communication Plan has the following objectives:

1. to reinforce the NRC's responsibilities for handling sensitive unclassified information regarding certain nuclear facilities throughout the United States (U.S.); and
2. to provide the NRC staff with guidance for communicating with stakeholders regarding NFS and BWXT facilities.

OFFICIAL USE ONLY
May be exempt from public release under the Freedom of Information Act (5 U.S.C. 552)
Exemption number <u>2</u>
Nuclear Regulatory Commission review required before public release.
<u>Gary S. Janosko, NMSS/FCSS</u>
Name and Organization of person making determination
Date of Determination _____

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Key Messages

1. The NRC is inherently interested in ensuring that sensitive information regarding nuclear facilities throughout the U.S. does not fall into the hands of adversaries/terrorists.
2. In light of the terrorist acts of September 11, 2001, the NRC has determined that certain information, previously released to the public, should no longer be widely available to the public.
3. The NRC does not discuss detailed security-related information about NRC licensed facilities including BWXT and NFS.
4. Even seemingly innocuous information, if taken individually, could potentially benefit a terrorist or adversary when viewed as a composite whole, by compiling a conglomeration of information from resources traditionally available. The NRC staff will not reference the Department of Energy or Naval Reactors in correspondence with external stakeholders.

NOTE: The NRC will not reveal that most BWXT and NFS public information was removed from public access due to concerns raised by DOE/NR.

Audience/Stakeholders

Internal:

- NMSS/Office of Fuel Cycle Safety and Safeguards (FCSS)
 - point of contact for communications with NFS and BWXT
 - respond to initial inquiries from stakeholders and refer to OPA for continuing contacts
 - respond to initial inquiries from U.S. Congress and refer to OCA for continuing contact
 - maintain Communication Plan
- OCIO
 - remove documents from public access, when requested to do so by NMSS
- Office of Nuclear Security and Incident Response (NSIR)
 - support NMSS and OCIO as needed
 - handle communications with NR on information removal or withholding
- NMSS (SFPO, PMDA, IMNS, DWM, RTG), NRR, Region II
 - handle new correspondence appropriately
 - support NMSS/FCSS on determining which documents are withheld from the public
 - respond to initial inquiries from stakeholders and refer to OPA for continuing contacts
- Office of Enforcement
 - handle correspondence appropriately, in coordination with NMSS

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- Office of Investigation
 - handle correspondence appropriately, in coordination with NMSS
 - NRC Director of Communications
 - respond to significant policy issues from external stakeholders
 - provide support to NMSS for maintaining Communication Plan
 - Office of the Commission, Office of the Executive Director for Operations
 - approve staff proposed actions
 - Office of General Counsel (OGC)
 - provide legal advice on proposed actions
 - provide guidance on handling future licensing actions
 - provide guidance on handling hearing information
 - Office of Public Affairs (OPA)
 - respond to public/press inquiries
 - Office of Congressional Affairs (OCA)
 - respond to congressional inquiries
 - Atomic Safety and Licensing Board Panel (ASLBP)
 - respond to hearing participant inquiries

External:

- DOE/NR
 - provide guidance on the scope and justification for not making information related to BWXT and NFS publically available
- NFS, BWXT
 - appropriately designate and mark new correspondence
- Department of Homeland Security, Other Federal/State/Local Authorities
 - questions or comments will be referred to the appropriate NRC Office
- Nuclear Energy Institute
 - represent fuel cycle licensees
- Members of the media
 - questions or comments will be referred to OPA
- Public citizens groups, the public at large
 - questions or comments will be referred to OPA
- U.S. Congress
 - questions or comments will be referred to OPA



Keywords Searched

The following keywords were utilized for the search of the NRC public web site to confirm that sensitive NR documents were removed during the main period of review:

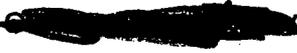
- 70-27
- 70-143
- BWX Technologies
- BWX Technologies Part 21 report
- BWXT
- BWXT Part 21 report
- Naval
- Naval Reactor Fuel
- Naval Reactors
- Navy
- NFS
- NFS Part 21 report
- Nuclear Fuel Service
- Nuclear Fuel Services
- Nuclear Fuel Services Part 21 report
- Official Use Only
- OOU
- Resident Inspector at BWX
- Resident inspector at BWXT
- Resident inspector at NFS
- Resident inspector at Nuclear Fuel Services
- SNM-124
- SNM

The following keywords were searched for in the public access library under docket numbers 70-27 (BWXT) and 70-143 (NFS) to confirm that sensitive DOE/NR documents were removed during the main period of review:

- Naval
- Naval Reactor Fuel
- Naval Reactors
- Navy
- Official Use Only
- OOU
- KAST

Future Actions

- All future documentation associated with NFS or BWXT will be designated as Official Use Only. The exceptions to this rule are: 1) information related to NFS BLEU, 2) information on any NFS or BWXT activity located outside of the protected area, or 3) information provided by NFS or BWXT that is not marked as OOU.
- Despite the efforts of the NRC staff to remove all sensitive information from public access, the possibility of additional DOE/NR documents incorrectly categorized does exist. Documents that were not considered sensitive and are discovered and believed to be sensitive should be brought to the attention of the facility project managers.
- Inspection reports for both Headquarters and Regions will be considered OOU, unless they relate to the NFS BLEU project, activities located outside of BWXT's or NFS' protected area, or information provided by BWXT or NFS that is not marked OOU. Inspection reports not marked OOU will be reviewed under the SISP program on a case-by-case basis (see the following section on SISP).

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- Meeting notices for both Headquarters and Regions will be considered OOU unless they specifically relate to NFS BLEU or other activities at BWXT and NFS outside of the protected area. Regarding these activities, the Office of Material Safety and Safeguards (NMSS) will continue to coordinate with the licensees, the Regions, and if necessary DOE/NR, to ensure that information regarding these sites is handled appropriately. Meeting notices not marked OOU will be reviewed under the SISF program on a case-by-case basis (see the following section on SISF).
 - Email both to and from NRC will be considered OOU unless they specifically relate to NFS BLEU or other activities at BWXT and NFS outside of the protected area. Email not marked OOU will be reviewed under the SISF program on a case-by-case basis (see the following section on SISF).

Sensitive Information Screening Project (SISF)

In general, the SISF does not apply to the great majority of NFS and BWXT because of Commission direction that we implement DOE/NRs request to remove information on NFS and BWXT from public access (Commission direction trumps the SISF requirements). However, as noted in this document, for the NFS BLEU and other activities at BWXT and NFS located outside of the protected area, the DOE/NR agreement does not apply. In these cases, the SISF criteria will be applied in order to determine its availability for public review.

Points of Contact

Kevin Ramsey - NFS Project Manager
(301) 415-7887
kmr@nrc.gov

Billy Gleaves - BWXT Project Manager
(301) 415-5848
bcg@nrc.gov

Wayne Burnside - Office of Nuclear Security and Incident Response
(301) 415-2211
wqb@nrc.gov

David Ayres - Region II Contact
(404) 562-4711
daa1@nrc.gov

Jared Heck - Office of General Counsel Contact on Sensitive Information
(301) 415-1623
jkh3@nrc.gov

[REDACTED]

David McIntyre - Office of Public Affairs Contact
(301) 415-8206
dtm@nrc.gov

William (Bill) Outlaw - NRC Director of Communications
(301) 415-1897
wfo@nrc.gov

Tom Combs/Betsy Keeling - Office of Congressional Affairs Contact
(301) 415-1698
trc@nrc.gov / bjk@nrc.gov

Dan Rich - NFS Senior Resident Inspector
(423) 735-0544
dwr1@nrc.gov

Geoffrey Wertz - BWXT Senior Resident Inspector
(434) 847-7343
gaw@nrc.gov

John Nagy - NFS Contact
[REDACTED]

Regina Carter - BWXT Public Affairs Officer
[REDACTED]

Steve Schilthelm - BWXT Licensing Manager
[REDACTED]

[REDACTED]

Potential Questions and Answers

1. Why can't I access information about your licensee(s) NFS and/or BWXT?

Given the threat environment that exists in the United States since the September 11 terrorist attacks, it has been determined that certain information, previously available to the public, is considered sensitive unclassified information (SUI) and will no longer be publicly available.

2. The ADAMS document I have, references another ADAMS document. When I look for the referenced document by accession number I can't locate it. Why is the document not located in ADAMS?

The referenced document may contain SUI and is no longer publicly available. Contact the NRC Project Manager for the facility to verify whether the document is available to the public.

3. Why did it take the NRC so long to make this determination?

The NRC began evaluating its large collection of public documents shortly after the September 11 attacks. This was a large task that required time. During that time, NRC balanced the timeliness of the response with the potential hazard posed by a facility. NRC has re-evaluated numerous documents as additional concerns and issues have been raised.

4. Is all information about these sites being removed from public access?

Most but not all information has been determined to be sensitive unclassified information and will no longer be publically available. A limited amount of information on NFS and BWXT is publically available.

5. Why is NFS and BWXT information sensitive?

We have determined that certain information, previously available to the public, is considered sensitive unclassified information (SUI) and will no longer be publicly available. We believe that this classification is necessary given the threat environment that exists in the United States since the September 11 terrorist attacks.

6. What can you tell me about what they do at NFS and BWXT?

These two facilities, Nuclear Fuel Services and BWX Technologies, Inc., are located in Erwin, TN and Lynchburg, VA, respectively and are manufacturers of uranium products for both the Federal Government and domestic and international civilian customers. Both facilities are licensed to possess strategic special nuclear material as defined in 10 CFR Part 73. Both facilities are licensed by NRC and are required to meet all NRC regulations.

- [REDACTED]
7. Does the NRC intend to restore the information to public availability in the future?

At this time, there are no plans to restore public access to any information that is currently classified as sensitive unclassified information.

8. Can I obtain information about NFS and BWXT through the Freedom of Information Act (FOIA) process?

Members of the public are free to request information about NFS and BWXT under the FOIA. The NRC will consider these FOIA requests on case-by-case bases. The NRC will release information requested by the FOIA unless it falls under the nine exemptions from public disclosure specified in the FOIA.

9. What should I do with the NFS/BWXT information that I have? Do I need to return it to the NRC?

The NRC is not requiring the return of information, however, it is suggested that you do not discuss the information with persons who do not have a "need to know," or distribute or copy the document or the information contained in the document. Destruction of the information is preferred through any manner of disposal that makes it impossible to read. If you prefer to return it, please send your copies to the NFS or BWXT Project Manager (Kevin Ramsey or Billy Gleaves).

10. Who can I contact for more information?

For press or general public inquiries, contact David McIntyre in OPA at (301) 415-8206 or by email at dtm@nrc.gov or William (Bill) Outlaw, NRC Director of Communications at (301) 415-1897 or by email at wno@nrc.gov.

For congressional inquiries, contact Tom Combs in OCA at (301)415-1698 or via email to trc@nrc.gov.

11. Is there anyone else I can talk to about the removal of public documents pertaining to NFS and BWXT?

For information regarding the removal of ADAMS documents, please contact the NRC's Office of Public Affairs. Phone: Local: 301-415-8200, Toll-free: 800-368-5642. On the web at: <http://www.nrc.gov/what-we-do/public-affairs/contact-opa.html>

12. Can you tell me anything regarding the removal of ADAMS documents from licensees other than NFS or BWXT?

Please contact the NRC's Office of Public Affairs. Phone: Local: 301-415-8200, Toll-free: 800-368-5642. On the web at: <http://www.nrc.gov/what-we-do/public-affairs/contact-opa.html>

[REDACTED]

13. What can you tell me about BWXT's or NFS's security programs, security inspections or security exercises?

The NRC has regulations BWXT and NFS must meet in order to possess nuclear material. After 9/11/2001, NRC issued orders requiring BWXT and NFS to enhance their security measures. The NRC cannot describe these enhanced security measures in detail, however, in general, BWXT and NFS have increased security patrols, augmented security forces, added security posts, installed physical barriers, further restricted site access, and enhanced coordination with law enforcement personnel. Both NFS and BWXT are subject to the requirements of 10 CFR Part 73 for security.

(Note to NRC staff: while we cannot discuss specific security details, we can refer to the NRC website on security for the NRC rules and regulations and updates since 9/11/2001)

14. POGO (Project on Government Oversight) report of April 2005 stated that NRC has inadequate security standards for NFS & BWXT.

Licensees authorized to possess Category I material have always been required to meet stringent security requirements. The NRC cannot describe these enhanced security measures in detail, however, in general, BWXT and NFS have increased security patrols, augmented security forces, added security posts, installed physical barriers, further restricted site access, and enhanced coordination with law enforcement personnel.

(Note to NRC staff: while we cannot discuss specific security details, we can refer to the NRC website on security for the NRC rules and regulations and updates since 9/11/2001)

15. Who can I contact at NFS or BWXT?

John Nagy, NFS ([REDACTED])

Regina Carter, BWXT Public Relations ([REDACTED])

Steve Schilthelm, BWXT Licensing Manager ([REDACTED])

[REDACTED]