

August 22, 2007

The Honorable Joe Barton  
Ranking Member, Committee on  
Energy and Commerce  
United States House of Representatives  
Washington, D.C. 20515

Dear Congressman Barton:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter, dated July 3, 2007, regarding your concern that the NRC's August 2004 policy concerning withholding information about Nuclear Fuel Services' (NFS') licensed activities from the public has resulted in withholding many documents of no security significance. You also expressed concern that persons who may be affected by a February 21, 2007 Confirmatory Order that amended the NFS license were not provided an opportunity to request a hearing because the Order was withheld under the policy.

The NRC, working with the Department of Energy's (DOE's) Office of Naval Reactors, is reconsidering its August 2004 policy and the criteria used for withholding from public disclosure information deemed to be security related for those fuel cycle facilities where NRC and DOE's Office of Naval Reactors have a role, which includes NFS. Consistent with this effort, the NRC has made publicly available a number of recent documents related to NFS, including the February 21, 2007 Confirmatory Order amending NFS' license, which was issued as a result of an Enforcement Alternate Dispute Resolution process. The Confirmatory Order was made publicly available on July 19, 2007, and is being published in the *Federal Register* to offer persons adversely affected by the Order an opportunity to request a hearing.

The NRC staff will update Mr. Dwight Cates of the Minority Committee staff on the status of these actions, as you requested.

Sincerely,

/RA/

Dale E. Klein

cc: The Honorable John D. Dingell

August 22, 2007

The Honorable Ed Whitfield  
Ranking Member, Subcommittee on  
Oversight and Investigations  
Committee on Energy and Commerce  
United States House of Representatives  
Washington, D.C. 20515

Dear Congressman Whitfield:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter, dated July 3, 2007, regarding your concern that the NRC's August 2004 policy concerning withholding information about Nuclear Fuel Services' (NFS') licensed activities from the public has resulted in withholding many documents of no security significance. You also expressed concern that persons who may be affected by a February 21, 2007 Confirmatory Order that amended the NFS license were not provided an opportunity to request a hearing because the Order was withheld under the policy.

The NRC, working with the Department of Energy's (DOE's) Office of Naval Reactors, is reconsidering its August 2004 policy and the criteria used for withholding from public disclosure information deemed to be security related for those fuel cycle facilities where NRC and DOE's Office of Naval Reactors have a role, which includes NFS. Consistent with this effort, the NRC has made publicly available a number of recent documents related to NFS, including the February 21, 2007 Confirmatory Order amending NFS' license, which was issued as a result of an Enforcement Alternate Dispute Resolution process. The Confirmatory Order was made publicly available on July 19, 2007, and is being published in the *Federal Register* to offer persons adversely affected by the Order an opportunity to request a hearing.

The NRC staff will update Mr. Dwight Cates of the Minority Committee staff on the status of these actions, as you requested.

Sincerely,

*/RA/*

Dale E. Klein

cc: The Honorable Bart Stupak