

September 12, 2007

Ms. Leah R. Morrell
Licensing Officer
BWX Technologies, Inc.
Nuclear Products Division
P.O. Box 785
Lynchburg, Virginia 24505-0785

SUBJECT: THE RELEASE OF BWX TECHNOLOGIES, INC., DOCUMENTS

Dear Ms. Morrell:

Since 2004, the U.S. Nuclear Regulatory Commission (NRC) has had a policy that directed the staff to treat most BWX Technologies, Inc.'s (BWXT) documents as "Official Use Only." Effective August 31, 2007, the Commission changed this policy by a staff requirements memorandum (SRM)-SECY-07-0129.

In SRM-SECY-07-0129 (ML072430701), the Commission directed the staff to now apply NRC's guidance for Sensitive Unclassified Non-Safeguards Information (SUNSI) to key regulatory documents related to Category I fuel facilities, and to prepare and release redacted versions of documents containing SUNSI¹. This policy change does not apply to classified and/or safeguards information, which will continue to be withheld from the public in accordance with existing regulations. In addition, this policy change does not apply to information that is withheld under 10 CFR 2.390.

This new directive affects a subset of historical documents issued after January 1, 2004. Specifically, the staff will redact and reissue the following BWXT key documents:

- License amendments and orders;
- Inspection Reports;
- Licensee Performance Reviews;
- Enforcement actions other than Orders;
- Event reports; and
- Other documents the staff determines to be relevant to give the public a record of NRC's oversight of your licensed facility.

Currently, there is no need for the staff to review past BWXT documents that were generated before January 1, 2004. In those cases where we believe there are supporting documents, we will work with you in order to resolve what documents apply to this new directive.

¹ As defined in the NRC Policy for Handling, Marking, and Protecting Sensitive Unclassified Non-safeguards Information, "SUNSI" means information of which the loss, misuse, modification, or unauthorized access can reasonably be foreseen to harm the public interest, the commercial or financial interests of the entity or individual to whom the information pertains, the conduct of the NRC and Federal programs, or the person privacy of individuals

We are now in the process of reviewing BWXT key regulatory documents, generated after January 1, 2004, that are currently being withheld from the public. After redacting certain portions of the documents, consistent with the revised Commission policy, these documents will be available to the public in the Agencywide Documents Access and Management System, referred to as "ADAMS". We anticipate that previously withheld BWXT license amendments and Orders will be redacted and released in September 2007.

The remainder of the retrospective BWXT key regulatory documents will be screened for SUNSI as soon as possible, but we expect that the job will not be completed until May 2008, due to the large volume of documents produced since January 1, 2004.

In the future, to expedite licensing, you should submit both public and non-public versions of licensing actions when the documents contain sensitive information. When you prepare documents for the NRC, refer to NRC's Regulatory Issue Summary (RIS) 2005-31, "Control of Sensitive Unclassified Non-Safeguards Information Handled by Individuals, Firms, and Entities Subject to NRC Regulation of the Use of Source, Byproduct, and Special Nuclear Material" (ML053480146). This guidance sets forth procedures that licensees are encouraged to follow when handling documents and/or submitting documents to the NRC that contain security-related sensitive information other than classified or safeguards information, that could be useful, or could reasonably be expected to be useful, to a terrorist in a potential attack. Specific information that should be protected is described in Attachment 2 of the RIS.

We are working diligently to ensure that sensitive information about fuel cycle facilities throughout the United States does not fall into the hands of adversaries or terrorists. At the same time, we must maintain an open process that allows the public to exercise its right to due process. We request your assistance in maintaining an appropriate balance between security and openness.

If you have any questions about our new policy for releasing documents, the RIS on SUNSI, or the related SUNSI procedures contained in the RIS, please contact me. I can be reached at (301) 492-3225, or via email to ams3@nrc.gov.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

Sincerely,

/RA/

Amy M. Snyder, Project Manager
Fuel Manufacturing Branch
Fuel Cycle Facilities Licensing Directorate
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-27
License No.: SNM-42

cc: State of Virginia Department of Health
State of Virginia Department of Environmental Quality
Region II
Geoffery Wertz, NRC Resident Inspector
DOE/NR

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Sincerely,

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Office of Nuclear Material Safety
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cc: State of Virginia Department of Health
State of Virginia Department of Environmental Quality
Region II
Geoffery Wertz, NRC Resident Inspector
DOE/NR

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