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NEWS RELEASE

Committee on Energy and Commerce

Rep. John D. Dingell, Chairman

For Immediate Release: September 4, 2007

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Washington, DC - The Nuclear Regulatory Commission (NRC) announced today that it has reversed its 2004 secrecy policy relating to enforcement actions and licensing documents at the nation's two category 1 fuel cycle facilities -- Nuclear Fuel Services (NFS) in Erwin, Tennessee, and BWXT, Inc. in Lynchburg, Virginia. Both plants process highly enriched uranium for the Department of Energy's Naval Reactor's programs and approximately 1,900 documents and 45 license amendments relating to this work had been designated "Official Use Only" under an August 31, 2004 NRC policy (SECY 04-155).

The "Official Use Only" policy blocked public notice of licensing changes and enforcement actions, thereby preventing the public from exercising their due process rights to a hearing under Section 189 of the Atomic Energy Act.

NRC's policy reversal, which was outlined in an August 31, 2007 Staff Requirements Memorandum, follows a July 3, 2007 letter from Reps. John D. Dingell, Chairman of the House Committee on Energy and Commerce, and Bart Stupak, Chairman of the Subcommittee on Oversight and Investigations, to NRC Chairman Dale Klein. In that letter, the congressmen urged the Commission to reconsider its "Official Use Only" secrecy policy regarding these two facilities — a policy that was itself kept secret. Dingell and Stupak also questioned whether the NRC inappropriately withheld information for 13 months from Congress and the public about an accident at the NFS plant.

"By abandoning the 2004 secrecy policy and replacing it with a policy which is used at all other NRC licensees, the NRC has struck a more reasonable balance between public disclosure and withholding documents which could compromise a plant's security. It's possible to safeguard sensitive information while protecting the public's right to know about issues and events affecting their health and welfare," said Dingell. "NRC has a lot of work ahead in reviewing the mountain of documents that have been kept from public disclosure and must now be released into the light of day."

"While we are pleased that the Commission voted to tear up its blanket secrecy policy and implement a more reasoned approach, the NRC still needs to explain more clearly why it chose not to seek fines or penalties in the case of the near criticality event at Nuclear Fuel Services," said Stupak. "By NRC's own admission, the licensee's loss of control over highly enriched uranium solution was one of the most serious safety violations at an NRC-licensed facility in 2006, and we want to be sure that NRC is actually holding its licensees accountable in a manner proportional to the severity of the offense."

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Prepared by the Committee on Energy and Commerce

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