

November 30, 2016

Dr. Alan J. Kuperman, Ph.D.
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Dear Dr. Kuperman:

The U.S. Nuclear Regulatory Commission (NRC) is in receipt of your October 11, 2016, email regarding your concerns over an internal NRC staff memorandum (ML16274A124) proposing that NRC management consider notifying export license applicants to withhold certain information from the public, under the provisions of 10 CFR 2.390 and in accordance with Regulatory Issue Summary 2005-31.

The NRC is also in receipt of the letter attached to the above referenced email, dated August 31, 2006 and signed by then Chairman Dale Klein agreeing to disclose quantity information in applications for licenses to export enriched uranium above 6% U-235, mixed oxide materials, and certain other radionuclides absent an NRC determination of a compelling reason for nondisclosure. After further consideration, the NRC has decided not to pursue the staff proposal and, for the foreseeable future, will adhere to the policy established by former Chairman Klein.

The NRC encourages and values public comments and, absent a compelling reason for nondisclosure, will continue to make the majority of export license applications received publicly available. At the same time, the NRC will also continue to examine each export license application on a case-by-case basis to determine if developments such as heightened security concerns, present compelling reasons to withhold certain details from public disclosure. We are evaluating internal review processes and updating guidance on the various issues that staff must consider with respect to determining what constitutes a compelling reason for nondisclosure.

We will continue to keep the process as transparent as possible, while being mindful of legitimate domestic and foreign security interests.

Sincerely,

/RA David Skeen Acting for/

Nader L. Mamish, Director
Office of International Programs

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