FRAMATOME ANP

An AREVA and Siemens Company

FRAMATOME ANP, Inc.

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Document Control Desk
ATTN: Chief, Planning, Program and Management Support Branch
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Framatome ANP Interpretation of Final Rule 10 CFR Part 2, Availability of Official Records

Ref.: 1. Federal Register, Volume 68, Number 74, April 17, 2003, Rules and Regulations.

Our NRC Project Manager requested that Framatome ANP (FANP) provide an explanation concerning how we comply with the recently revised 10 C.F.R. § 2.790. This final rule affects the way proprietary information is filed and the conditions for the return of documents when proprietary status has been denied. Most importantly, revised Section 2.790 contains instructions on how to mark documents submitted to the NRC to indicate proprietary status.

FANP uses the traditional approach of designating proprietary material by enclosing it with brackets. This method clearly indicates the material to be withheld from public disclosure and is in accordance with the final rule. Each page of a proprietary document is marked "Proprietary" to further indicate its status. Additionally, FANP issues transmittal letters to provide notice of the proprietary nature of any proprietary enclosure.

As stated in the revised regulation (2.790(b)(1)(i)(B)) and explained in detail in the Supplementary Information (68 FR 18836, Section II.D), adjacent marking of proprietary material is unnecessary unless the document or page in question contains more than one type of confidential material. Since FANP submits one type of confidential information only (i.e., proprietary information), adjacent marking would be redundant, would be inappropriate, and would constitute an unnecessary regulatory burden. The "proprietary" marking on each page is adequate and is compliant with the revised regulation.

FANP will continue its current practice of marking proprietary documents submitted to the NRC by marking each page "proprietary" and by bracketing specific passages that are deemed proprietary in nature. The corresponding non-proprietary version will simply leave the bracketed portion blank.

Very truly yours,

James F. Mallay, Director
Regulatory Affairs

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