FRAMATOME ANP

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FRAMATOME ANP, Inc.

December 17, 2003
NRC:03:088

Herbert N. Berkow, Director
Project Directorate IV
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Requirement for Submitting Non-Proprietary Versions of Topical Reports

Ref.: 1. Letter, James F. Mallay (Framatome ANP) to FOIA/Privacy Act Officer (NRC), "Request for Information under the Freedom of Information Act," NRC:03:056, September 3, 2003.

Ref.: 2. Letter, Carol A. Reed (NRC) to James F. Mallay (Framatome ANP), "Response to Freedom of Information Act (FOIA)/Privacy Act (PA) Request," October 15, 2003.

In recent months Framatome ANP has requested copies of the non-proprietary versions of topical reports prepared by other vendors (e.g., Reference 1). We were informed by the NRC that such versions were not available (Reference 2); that is, non-proprietary versions were not submitted as required by NUREG-0390, which states "When an organization submits a licensing topical report...that...contain(s)...proprietary information, it must submit...a non-proprietary report at the same time."

Framatome ANP has an unblemished record of always submitting a non-proprietary report simultaneously with the submission of any proprietary topical report for which NRC acceptance is requested. We believe the NRC is obligated to enforce its expectations on all applicants equally.

Framatome ANP urges the NRC to ensure that all applicants seeking acceptance of proprietary topical reports provide properly redacted, non-proprietary versions of their reports. In addition, we request that the NRC conduct a review of proprietary topical reports at the time they are issued to ensure that material (text and figures) that is marked proprietary appears to have a legitimate basis for being withheld from public disclosure.

Framatome ANP has been challenged in a few instances about its identification of proprietary material and has successfully demonstrated its reasoning to have such material withheld from public disclosure. We would like to believe that other applicants are being held to the same standard of scrutiny. In the absence of having non-proprietary versions on record, however, we are concerned that NRC requirements on this topic are not being equally enforced.

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We believe a more conscientious effort is called for in administering this NRC requirement. Implementing these requests is not only reasonable but it also helps ensure fairness and justice.

Very truly yours,

James F. Mallay, Director
Regulatory Affairs

cc: S. Dembek
D. G. Holland
Project 728