

February 17, 2004

Mr. James F. Mallay
Director, Regulatory Affairs
Framatome ANP
3315 Old Forest Road
Lynchburg, Virginia 24506-0935

**SUBJECT: REQUIREMENT FOR SUBMITTING NON-PROPRIETARY VERSIONS OF
TOPICAL REPORTS (TAC NO. MB7338)**

Dear Mr. Mallay:

This is to respond to your letter dated December 17, 2003, regarding non-proprietary versions of topical reports (TRs). You indicated in your letter that a number of non-proprietary versions of TRs of certain vendors were not available to you in accordance with your recent request. We understand your concern regarding compliance with 10 CFR 2.790. Framatome has been responsive in complying with 10 CFR 2.790 over the years that the TR review program has been in place.

NRC expects that all applicants will provide non-proprietary versions of their proprietary topical reports, when practical, as required by 10 CFR 2.790(b)(1)(ii). We also review, in detail, each TR to ensure that there is a legitimate basis for the withholding of particular information from the public.

We agree that it is important to treat all submitters alike regarding the submittal of non-proprietary versions of proprietary TRs. In addition, we stress diligence in our review of TRs to ensure that proprietary claims are valid in each case. Efforts to ensure equal treatment of vendors and other applicants are well established in the TR review program. The responsibility for the administration of 10 CFR 2.790 for each TR lies with the project manager for the program and the staff technical reviewer. Every request for withholding, along with its subject document, is reviewed by these individuals, with oversight by their supervisors.

The Office of Nuclear Reactor Regulation will be reminding submitters of their responsibilities in complying with NRC requirements in this area in the near future.

J. Mallay

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If you have any further questions or concerns about the TR review program, please contact Drew Holland of my staff at (301) 415-1436.

Sincerely,

/RA/

Herbert N. Berkow, Director
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Project No. 728

J. Mallay

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If you have any further questions or concerns about the TR review program, please contact Drew Holland of my staff at (301) 415-1436.

Sincerely,

/RA/

Herbert N. Berkow, Director
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