FRAMATOME ANP

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FRAMATOME ANP, Inc.

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Handling Proprietary Material

Ref.: 1. NRC Regulatory Issue Summary 2004-11: "Supporting Information Associated with Requests for Withholding Proprietary Information," June 29, 2004.

Framatome ANP held informal discussions with Trip Rothschild of OGC and Herb Berkow of DLPM (including two members of his staff) on August 5 to gain an understanding of how to consistently apply the guidance provided in a June 29 RIS (reference 1) concerning the handling of proprietary information. This letter summarizes the agreement reached during that discussion and some of the key historical practices that led to this understanding.

Framatome ANP suggested that the NRC formally recognize a threshold, which Framatome ANP has long used, that defines when it is necessary to mark the proprietary portions of documents and to provide non-proprietary versions. This threshold is based on the fact that only certain documents are explicitly used by the NRC to develop a safety evaluation or an equivalent letter of acceptance. That is, we suggested that the guidance in the RIS be applied to those documents that are quoted and referenced in safety evaluations only.

The NRC accepted the threshold concept and its definition, recognizing that Framatome ANP has applied this concept satisfactorily in the past.

Framatome ANP's use of this threshold was recently questioned because of the guidelines set forth in the RIS. However, in many cases proprietary material is provided to the NRC for information only and is not relied on explicitly in the development of a safety evaluation. The following Framatome ANP practices have been applied for many years and serve to supplement the successful implementation of a threshold:

- Framatome ANP has always marked its proprietary topical reports to indicate proprietary material and has always provided non-proprietary versions. Also, we have consistently minimized the amount of material held proprietary.

- For documents not relied on to develop safety evaluations, such as calculational files, stress and corrosion analyses, and similar technical documents that were developed with no intention of submitting them for NRC review and approval, we offered to have the NRC visit our offices (or the offices of our customers) to review the information. This approach has worked successfully since the 1970s.

- In recent years, many customers had to submit relief requests or waivers for certain repair and replacement activities, typically associated with the reactor coolant system. These requests often require prompt NRC review and approval. This situation led to a change in

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the handling of certain proprietary material. In those instances where the NRC wanted a better understanding of the analyses performed to support the relief requests and needed to make a quick decision, the licensee would provide the material to the NRC under a Framatome ANP affidavit with the understanding that the material would be returned or destroyed. This arrangement worked beneficially for all parties.

- For material that was needed by the NRC to develop a safety evaluation for relief requests, Framatome ANP and its customers would extract non-proprietary material from their internal analyses and provide it as part of the relief request. This arrangement was also satisfactory to all parties and avoided having to unnecessarily place proprietary material on the licensee's docket as information to be relied on for the NRC's acceptance.

- For analyses and other calculational files that are not proprietary, Framatome ANP will continue to provide such documents without proprietary markings when they are required for NRC review and citation in a safety evaluation.

Framatome ANP will appreciate the application of this threshold concept in the NRC's acceptance of proprietary material requested to be withheld.

Very truly yours,

James F. Mallay, Director
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cc: H. N. Berkow
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Project 728