



FRAMATOME ANP

An AREVA and Siemens Company

FRAMATOME ANP, Inc.

August 16, 2004
NRC:04:042

Document Control Desk
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Withholding Proprietary Information

Ref.: 1. Letter, Thomas W. Alexion (NRC) to James F. Mallay (FANP), "Framatome ANP (FANP), Request for Withholding Information From Public Disclosure For Arkansas Nuclear One, Unit 1 (ANO1) (TAC No. MB9660)," July 27, 2004.

The NRC wrote to Framatome ANP (FANP) on July 27 stating that the affidavit executed by us and submitted by Entergy concerning an internal analysis (document 51-5021608) did not adequately protect this information from public disclosure. (See Reference 1.) Specifically, the NRC letter stated that "A nonproprietary copy of this document was not provided because FANP considered that the vast majority of information contained in the document is proprietary." This was not the basis for asking that the document be withheld from the public.

Framatome ANP's policy has always been to classify its internal documents (calculational files, stress and corrosion analyses, and similar reports) as proprietary without regard for the amount of proprietary material involved, unless it is justifiably and completely non-proprietary. These documents are submitted to the NRC for its information only and are not quoted from or referenced in safety evaluations. These documents are expected to be returned or destroyed.

If specific information is needed by the NRC to prepare an adequate safety evaluation, agreement among the licensee, the NRC, and FANP would be sought to provide non-proprietary information as part of the licensee's application (relief request, waiver, or license amendment). FANP would be pleased to support this type of resolution.

Our practice reflects the practicality of protecting internal analyses and methods. If a licensee or FANP formally submits FANP material to the NRC for review and approval—that is, with the expectation that the NRC will explicitly develop a safety evaluation or letter approving the content of the document for a specified licensing activity—our practice has always been to submit proprietary and non-proprietary versions marked in accordance with the pertinent regulation (10CFR2.390).

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This concept of a threshold for providing non-proprietary versions (that is, asking for specific review and approval) has been discussed with OGC and the management of the Division of Licensing Project Management and has been accepted. This agreement is in the process of being formalized even though the practice has been consistently applied by FANP for many years.

Very truly yours,

A handwritten signature in black ink, appearing to read "James F. Mally". The signature is written in a cursive style with a large, sweeping initial "J".

James F. Mally, Director
Regulatory Affairs

cc: T. W. Alexion
M. C. Honcharik
Project 728