



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

NRC File Center

DEC 14 1993

Docket 70-1257
License SNM-1227

Mr. B. N. Femreite
Richland Plant Manager
Siemens Power Corporation
2101 Horn Rapids Road
Richland, WA 99352-0130

Dear Mr. Femreite:

This is in response to your letter dated October 15, 1993, that alleges the release of proprietary information by members of my staff. After reviewing this matter with the involved individuals and the Office of the General Counsel, I have the following comments.

First, the meeting that you attended was clearly identified as a meeting open to the public pursuant to the "Open Meeting Statement of Nuclear Regulatory Commission Staff Policy, 43 Federal Register 28058, June 28, 1978," as evidenced by a Notice of Significant Meeting, dated August 11, 1993. This Notice was posted in the Public Document Room. Accordingly, any remarks made in the meeting were in our opinion public information.

Second, Mr. Urza, Siemens Manager of Manufacturing Technology, spoke from documents that were not distributed at the meeting, and no copies of those documents were distributed to the NRC. Thus, all the information contained in the September 15, 1993, NRC memorandum concerning the dry conversion process was based upon verbal statements made at the open meeting and upon the personal notes of the NRC staff. The Criticality Safety Analysis update handouts, which were enclosed with the September 15, 1993, Meeting Summary, were not marked proprietary. Furthermore, no affidavit was submitted for proprietary information in accordance with the provisions in 10 CFR 2.790(b)(1).

Nonetheless it is the policy of the NRC to protect proprietary information to the extent possible given our procedural requirements for openness. This incident appears to have been complicated by the staff's assumptions regarding your knowledge of the NRC's processes for handling meetings involving proprietary information. The staff now has been instructed to explain at each public meeting with a licensee, our rules regarding control of proprietary information. You should be prepared to provide an affidavit for your proprietary information as provided in 10 CFR 2.790(b)(1), which is the governing regulation.

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Mr. B. N. Femreite

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If you have any further questions, please contact me at 301-504-3365, or Mr. Robert Pierson, Chief, Licensing Branch, at 301-504-3493.

Sincerely,

Robert F. Burnett, Director
Division of Fuel Cycle Safety
and Safeguards, NMSS

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*See previous concurrence

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