

November 16, 2005

David F. Guza, Esq.
Chief Counsel, Legal & Contract
Framatome ANP, Inc.
3315 Old Forest Road
P.O. Box 10935
Lynchburg, VA 24506-0935

SUBJECT: DISCLOSURE OF MATERIAL SUBMITTED BY FRAMATOME ANP, INC.
IN THE MATTER OF NRC INVESTIGATION CASE NO. 3-2002-006

Dear Mr. Guza:

As you may know, the stay of the enforcement proceeding against Mr. Andrew Siemaszko, which was extended by the Atomic Safety Licensing Board on September 29, 2005, expires on November 30, 2005. In anticipation of the expiration of the stay, the NRC is in the process of reviewing documents, submitted by Framatome ANP, Inc. in the above referenced investigation, for public release. Framatome previously requested withholding of a portion of these documents pursuant to 10 C.F.R. § 2.790(a)(4) (currently § 2.390(a)(4)). Specifically, Framatome, either directly or through FirstEnergy Operating Company (FENOC), asked for proprietary treatment of information provided under cover letters dated August 8, 2002 and August 27, 2002.

NRC is evaluating the information disclosed by Framatome during the course of the above referenced investigation in order to determine whether the information that Framatome seeks to have withheld under § 2.390(a)(4) contains trade secrets, or confidential or privileged commercial or financial information and, if so, whether such information should be withheld from public disclosure.

To this end, we are requesting that Framatome submit affidavits supporting its previous claims that certain information disclosed to NRC during the above referenced investigation should be withheld from public disclosure due to its proprietary nature, as required by § 2.390(b)(1). One cover letter dated August 2, 2002, under which FENOC provided potentially proprietary Framatome information, stated that FENOC had enclosed Framatome's affidavit in support of proprietary treatment, however the NRC is not in possession of any such affidavit at this time.

All information to be withheld as proprietary should be supported and marked in accordance with the requirements set forth in § 2.390. Assuming the staff agrees that the material is eligible for withholding under § 2.390(a)(4), the staff will pursue making the material available to parties to NRC enforcement proceedings resulting from the above referenced investigation, pursuant to protective orders under § 2.390(b)(6).

D. Guza, Esq.

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Please contact me at (301) 415-8393 or seb2@nrc.gov if you have any questions regarding this request.

Sincerely,

/RA/

Sara E. Brock
Counsel for NRC Staff