

## Pannier, Stephen

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**From:** Iantorno, Randy F <riantorno@curtisswright.com>  
**Sent:** Friday, June 28, 2019 3:34 PM  
**To:** Pannier, Stephen  
**Cc:** Elliott, Robert  
**Subject:** [External\_Sender] RE: Proprietary Information in your 10 CFR Part 21 Reporting of Defects for Introl Positioner 890265-010 - CW SAS Initial Report [EXTERNAL]

Good Afternoon Stephen,

Curtiss-Wright legal does not consider CW SAS Initial Report No. 10CFR21-48 proprietary. Also, my CW SAS emails contain a MS Outlook email footer which is automatic and does not apply to this submission. The NRC is granted permission to post this document.

Please call or email me anytime if you need more information.

Thanks in advance and have a great day/weekend.

**Randy F. Iantorno**

Project Manager, Government Aftermarket

SAS, EMS Division

**Curtiss-Wright**

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**From:** Pannier, Stephen <Stephen.Pannier@nrc.gov>  
**Sent:** Thursday, June 27, 2019 8:37 AM  
**To:** Iantorno, Randy F <riantorno@curtisswright.com>  
**Cc:** Elliott, Robert <Robert.Elliott@nrc.gov>  
**Subject:** Proprietary Information in your 10 CFR Part 21 Reporting of Defects for Introl Positioner 890265-010 - CW SAS Initial Report [EXTERNAL]

Hi Mr. Iantorno,

Thank you for our recent telephone conversation. On the call I stated that the NRC tries to make all Part 21 reports publicly available in the interest of public health and safety. We have an issue related to the subject Part 21 report that is keeping us from posting this document. The first page (email cover sheet) of your report, in the bottom paragraph states that "This e-mail and any files transmitted with it are proprietary and intended solely for the use of the individual or entity to whom they are addressed."

The problem we have with this sentence involves the use of the word 'proprietary'. Paragraph (b) of Title 10 of the Code of Federal Regulations (10 CFR) Part 2.390 "Public inspections, exemptions and requests for withholding" provides guidance to the submitter of a document who wishes to withhold information from the public. If this information is proprietary, then your organization must follow the steps in this section to have this information in your Part 21 report withheld from the public. Submitters usually provide us with a redacted version with proprietary information removed that we can make publicly available.

If instead the use of the word 'proprietary' in this cover letter is a more "boilerplate" like statement, and that this report contains no proprietary information, then I recommend that we line out the words "proprietary and" in the

cover letter, and then make this Part 21 publicly available as submitted. Your email response will provide us with direction to take this approach.

I am sorry that we have to go through this extra step, but the agency has been chastised in the past for making Part 21 reports containing the words 'confidential' and/or 'proprietary' that were inserted into 'boilerplate' cover letters or fax cover sheets available to the public, even though the information contained in the report was not in fact confidential or proprietary.

Please provide me with guidance on which approach you wish to take. Withholding this Part 21 report from the public by complying with the requirements of 10 CFR 2.390, or agreeing to allow us strike these two words 'proprietary and' from the report so we can make the current document publicly available.

Thank you for your prompt assistance in this matter.

Stephen J. Pannier  
Reactor Systems Engineer  
U.S. Nuclear Regulatory Commission  
(301) 415-4083

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