

July 21, 2000

Mr. John Redding
175 Curtner Ave.
General Electric Company
San Jose, CA 95125

SUBJECT: PROCEDURE FOR HANDLING PROPRIETARY INFORMATION PRESENTED
DURING MEETINGS BETWEEN THE NRC STAFF AND THE PUBLIC

Dear Mr. Redding:

During a public meeting with the U.S. Nuclear Regulatory Commission (NRC) staff and a member of your staff on June 30, 2000, information was provided to the staff regarding the status of General Electric's (GE) NobelChem™ process. Also provided was an overview of the cracking found in a foreign boiling water reactor's (BWR) shroud support. The information presented was stamped as "GE Proprietary;" however, a copy of the information proposed to be held as proprietary, with an affidavit certifying that the information meets the standards described in 10 CFR 2.790, "Public Inspections, Exemptions, Requests for Withholding," was not provided to the staff prior to the meeting for staff determination that the material meets the standard therein, as was previously requested.

While licensees and vendors occasionally submit information (e.g., trade secrets or privileged, confidential commercial, privacy or financial data) to the staff that they request be withheld from public disclosure, the staff does not automatically or always grant such requests. A staff review needs to be conducted to determine whether the information provided meets the standards described in 10 CFR 2.790 and, if so, whether it should be withheld. For the case of public meetings, the 10 CFR 2.790 review should be accomplished prior to the meeting, and thus obliges the submitting party to provide the information in a timely manner prior to the meeting to allow the staff sufficient time to perform its assessment.

The NRC has a long-standing practice of providing the public with the fullest information practicable on its activities and conducting business in an open manner. As such, public meetings can enhance the public's confidence in the NRC and help clarify issues and concerns before decisions are made. In general, meetings between the NRC staff and outside persons will be open to public observation and participation unless the NRC staff determines that the material to be discussed is, in accordance with 10 CFR 2.790, subject to being withheld from public disclosure. In such cases, portions of the meeting dealing with such proprietary information will be closed.

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In the instance of the June 30, 2000, meeting, the staff determined that the information presented was of significant interest, and thus agreed that GE would submit a non-proprietary version of the material, along with the affidavit, as soon as practical following the meeting. However, this decision by the staff necessitated closing of the entire meeting to public participation, instead of the preferred situation of having a portion open where non-proprietary information could be discussed, then closing the remainder of the meeting to discuss the proprietary material.

In the future, the staff requests that you follow the above described procedure for public meetings where proprietary information will be discussed. Specifically, identify the document or part thereof sought to be withheld, provide the reasons and bases on which the withholding is claimed, and include a properly executed affidavit of the information proposed to be withheld. Additionally, a proprietary version of the document, which is withheld from the public, and a nonproprietary version, which is placed in the public domain, should be submitted in a timely manner prior to the meeting date. Should this process not be implemented prior to a scheduled meeting, the meeting may be subject to cancellation.

Please contact C. E. (Gene) Carpenter, Jr., of my staff at (301) 415-2169, if you have any further questions regarding this subject.

Sincerely,

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Brian W. Sheron, Associate Director
For Project Licensing and Technical Analysis
Office of Nuclear Reactor Regulation

