

January 14, 2004

Mr. Robert H. Leyse
P.O. Box 2850
Sun Valley, ID 83353

SUBJECT: PUBLIC ACCESS TO INPO SIGNIFICANT OPERATING EXPERIENCE
REPORTS (SOERs)

Your email sent October 6, 2003, to the Chairman of the Nuclear Regulatory Commission (Commission) was assigned to my office for a response. The email stated that NRC and its public must have access to Significant Operating Experience Reports (SOERs) issued to owners of nuclear power reactors by the Institute of Nuclear Power Operations (INPO). INPO is an organization sponsored by the nuclear industry whose mission is to promote the highest levels of safety and reliability in the operation of nuclear electric generating plants.

Under an existing Memorandum of Agreement (MOA) effective December 24, 1996, between INPO and the NRC, INPO proprietary documents, including SOERs, are provided to the NRC and are identified as Limited or Restricted Distribution. The MOA contains the statement, "consistent with previous legal decisions sanctioning the exchange of proprietary information between INPO and NRC, and in the interest of improving nuclear plant safety, NRC will control distribution of INPO documents and information within the agency and will exert best efforts to protect them from unauthorized disclosure."

This MOA permits distribution of INPO-provided information within the agency on the basis of "limited rights" to their use. This means that NRC and NRC contractors will treat plant/unit-specific data and indicator results supplied by INPO as proprietary commercial information and will not disclose this information outside the NRC.

SOERs are proprietary documents that are an integral part of INPO's private, routine interactions with its members. These documents are shared with the NRC as a courtesy, in the interest of improving nuclear safety. However, the NRC is not at liberty to make INPO proprietary documents available to the public.

Thank you for your comments.

/RA/

Catherine Haney, Program Director
Reactor Policy and Rulemaking Program
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

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