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NOV 1 1973

Anthony Z. Roisman, Esq.  
Berlin, Roisman and Kessler  
1712 N Street, N.W.  
Washington, D. C. 20036

In the Matter of Friends of the Earth v. Jersey Central  
P & L Company, Commonwealth Edison Company, Niagra  
Mohawk Power Company, Millstone Point Company, Northern  
States Power Company, Boston Edison Company; Docket  
Nos. 50-219, 50-237, 50-249, 50-254, 50-265,  
50-220, 50-245, 50-263, 50-293

Dear Mr. Roisman:

In response to your October 10, 1973, letter regarding proprietary fuel densification information, relating to the above listed projects, please be advised that to date we have received Supplements 1-5 to NEDM-10735 and additional information by letter dated October 2, 1973, from the General Electric Company pertaining to GE fuel and Supplement No. 3 to Facility Change Request No. 4, dated April 17, 1973, from Jersey Central Power & Light Company covering both GE and Exxon fuel in the Oyster Creek reactor. You have received correspondence from General Electric counsel (letter dated October 18, 1973, from John K. Restrick, Esquire) confirming that the General Electric NEDM-10735 information has been and will continue to be made available to you under the conditions outlined in the GE letter. Further, pursuant to your letter, we have advised Jersey Central Power & Light of your request to execute an agreement that would permit you to examine the proprietary information contained in the Oyster Creek docket.

Action by the Regulatory staff on the requests to withhold this information from public disclosure has been deferred pending receipt of non-proprietary versions of these reports. Such non-proprietary versions have now been received and we anticipate completing the processing of these requests within the next few weeks.

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Anthony Z. Roisman, Esq.

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Finally, your October 10 letter requests that we identify the bases for the requests to withhold this proprietary information from public disclosure. These bases are the following:

For NEDM-10735 information -- General Electric states that this information contains design details and analytical methods and techniques of the type which GE customarily maintains in strictest confidence and from public disclosure. GE's definition of proprietary information is similar, it maintains, to that used in the courts to define "trade secrets." It is GE's opinion that revelation of this information could enable competitors to duplicate GE's fuel design and/or its calculational methods and techniques with reduced expenditures in money and effort.

For Supplement No. 3 to Change Request No. 4 -- Jersey Central notes that GE and Exxon Nuclear consider that disclosure of this information would adversely affect them in the following manner: The publication of this information to the extent it describes details of plant performance and data, data analysis techniques, and derived results in absolute values, which taken collectively are considered to be confidential trade secrets of the Companies, would have serious business implication to the Companies in that such publication (1) would destroy such competitive advantage the Company may have acquired through private expenditures in developing this information and (2) would destroy the Company's rights to legal protection against misappropriation of such information.

Sincerely,

Original Signed By  
E. G. Case

Edson G. Case  
Deputy Director of  
Licensing

cc: See next page

OFFICE ▶	L:ADDRP				
SURNAME ▶	RSBoyd:emm 37595	EGCase			
DATE ▶	10/30/73	10/1/73			

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Anthony Z. Roisman, Esq.

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cc: John K. Restruck, Counsel  
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