



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

10/2/79

JUL 5 1979

Docket Nos. STN 50-556
STN 50-557 ✓

Mr. Terry Belcher
2117 Churchill Road
Oklahoma City, Oklahoma 73120

Dear Mr. Belcher:

This is in reply to your April 16, 1979 letter to President Carter which requested that the "Reed Report" be released to the public.

The Reed Report was furnished to the Licensing Board and the parties in the Black Fox licensing proceeding by the General Electric Company in January of this year under what is known as a protective order. The protective order is basically an agreement in which the signatory parties pledge not to divulge the contents of the documents provided because of the confidentiality of the commercial information contained therein. The Reed Report was reviewed by the Black Fox Licensing Board and used for the purpose of cross-examination at the recent Black Fox radiological health and safety hearings. Of the some five weeks of hearings devoted to the litigation of the safety of the Black Fox plant, the hearing and the record were closed to the public on only two occasions when this confidential information was discussed. Copies of all of the transcripts of the open sessions are available to the public in the Tulsa Public Library.

The Nuclear Regulatory Commission, at the request of General Electric, is now in the process of reviewing the classification of this document as proprietary. In addition, the matter of whether the Licensing Board acted properly in accepting the General Electric Company's claim as to the confidentiality of the Reed Report and closing the hearing to the public will be subject to review by the Atomic Safety and Licensing Appeal Board during the course of its review of the record of the hearing. The matter may ultimately be reviewed by the Commission itself. In the event the Appeal Board or the Commission were to decide that the Licensing Board was not correct in its handling of the Reed Report, it would be possible for the hearing to be reopened on the issue. Accordingly, at this stage of the proceeding it would be premature to consider that the matter of the availability of the Reed Report has been definitively decided.

Furthermore, there are now two Freedom of Information Act requests for the Reed Report pending before the Commission. If as a result of these requests the report is released, this could have an impact on whether to release the transcript of the two sessions of the Black Fox hearing dealing with the Reed Report.

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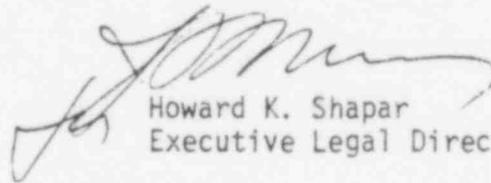
Mr. Terry Belcher

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In regard to your concerns about cancer risk from radiological emissions from the Black Fox plant, evidence presented to the Atomic Safety and Licensing Board at the environmental hearings in this case showed that the Black Fox plant would cause 0.0002 deaths in addition to the 1704 cancer deaths per year which could be expected due to naturally-occurring background radiation in the Tulsa area. In regard to cost of power, the Licensing Board found that a coal-fired plant, the only currently feasible alternative to Black Fox, would not be environmentally nor economically preferable to a nuclear plant. A copy of the Licensing Board's Partial Initial Decision on Environmental Matters is enclosed for your information. Please note that your concerns about solar and wind alternatives were litigated at the hearings and are addressed at pages 95 to 97 of this opinion.

I hope that you will find these comments responsive to your concerns.

Sincerely,



Howard K. Shapar
Executive Legal Director

Enclosure as stated

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