

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

Micro

June 18, 1979

The Sunbelt Educational  
Foundation  
Attn: Kyle Cline  
1534 East 3 Street  
Tulsa, Oklahoma 74120

IN RESPONSE REFER  
TO FOIA-79-211

Dear Mr. Cline:

This is in response to your letter of June 5, 1979, in which you requested, pursuant to the Freedom of Information Act, "copies of the Reed Report which is in the possession of the NRC." Your letter was received on June 11, 1979.

For your information, the NRC is in possession of a General Electric (GE) Nuclear Reactor Study on the subject of GE's Boiling Water Nuclear Steam Supply System which was prepared under the direction and supervision of Dr. Charles Reed in 1975 (the Reed Report) and the related Sub-Task Force Reports which serve as appendices to the Reed Report.

These documents came into the possession of the NRC under a Protective Order issued on January 5, 1979, by the Atomic Safety and Licensing Board in the Black Fox proceedings (Docket Nos. STN 50-556, STN 50-557). Specifically, this Protective Order (copy attached) provides that "GE will make the Reed Report and the related Sub-Task Force Reports available to the Board in confidence." In maintaining this confidence, only the members of this Licensing Board have access to this copy of the Reed Report and the related Sub-Task Force Reports.

Two previous requests under the Freedom of Information Act for the Reed Report have been denied by the Licensing Board. These denials were not appealed. The Licensing Board has certified to the Commission the question of whether the Reed Report should now be returned to GE (copy attached).

Because the Reed Report has been made available to the Licensing Board in confidence and is subject to a protective order, the requested documents are being withheld from public disclosure pursuant to exemption (4) of the Freedom of Information Act (5 U.S.C. 552(b)(4) and 10 C.F.R. 9.5(a)(4)) of the Commission's regulations. The person responsible for this denial is the undersigned.



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This denial may be appealed to the Commission within 30 days from the receipt of this letter. As provided in 10 C.F.R. 9.15, any such appeal must be in writing, addressed to the Secretary of the Commission, Washington, D.C. 20555, and should clearly state on the envelope and in the letter that it is an "Appeal from an Initial FOIA Decision."

Sincerely,



Sheldon J. Wolfe, Esquire  
Chairman, Atomic Safety and  
Licensing Board

Attachments:  
As Stated

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