



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

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MAY 8 1979

Docket Nos. STN 50-556  
STN 50-557

Mr. and Mrs. Hugh Garnett  
Altus, Oklahoma 73521

Dear Mr. and Mrs. Garnett:

This letter responds to your letter of April 17, 1979, addressed to Chairman Hendrie, in which you requested the release of all portions of the safety hearing transcripts in Black Fox licensing proceeding. Your letter was referred to me for response because Chairman Hendrie and the Commissioners may have to review the decisions of the Licensing Board and the Appeal Board regarding the Black Fox application. Under the circumstances it was deemed inappropriate for the Chairman to personally respond to your request.

The NRC hearing devoted to the safety aspects of the Black Fox application extended for approximately five weeks. With one exception, the hearing was open to the public and the press. The one exception involved the sessions of the hearing dealing with the so-called Reed Report. Because the Reed Report contained information which was considered to be proprietary and/or business confidential to the General Electric Company, the Licensing Board agreed to close to the public two sessions of the hearing to deal with this Report. However, as I am sure you are aware, the participants in the hearing -- those admitted as parties and the Licensing Board -- had full access to the Report.

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 the matter of the availability of the Reed Report to have been definitively decided.

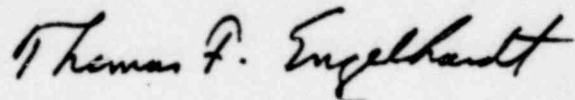
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Furthermore, there is presently pending before the Commission a Freedom of Information Act request for the Reed Report. If as a result, the Report is released, this could have an impact on whether to release the transcript of the two sessions of the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

I trust the above discussion will clarify the status of this situation.

Sincerely,

A handwritten signature in cursive script that reads "Thomas F. Engelhardt". The signature is written in dark ink and is positioned above the typed name.

Thomas F. Engelhardt  
Acting Executive Legal Director

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