



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD PANEL  
WASHINGTON, D.C. 20555

*Duplicate copy  
for microfiche*

January 29, 1980

Mr. Mike Braun  
503 E. Stoughton Street  
Apartment 2  
Champaign, IL 61820

IN RESPONSE REFER  
TO FOIA-80-44

Dear Mr. Braun:

This is in partial response to your letter of January 16, 1980. Your letter was received on January 22, 1980.

In your letter, you requested in paragraph (2), pursuant to the Freedom of Information Act, copies of the Reed Report itself and the 27 safety related issues extracted from the report.

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. The NRC is also in possession of a list of 27 safety related considerations raised by the Reed Report which was furnished to the Atomic Safety and Licensing Board in the Black Fox Proceeding (Docket Nos. STN 50-556, STN 50-557) which was conducted in Tulsa, Oklahoma during February 1979.

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. 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." GE claims that the entire report is proprietary. 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. Under the terms of the Protective Order, the list of 27 safety related considerations, while made available to the representatives of the parties in the Black Fox Proceedings, is also accorded confidential treatment.

Five previous requests under the Freedom of Information Act for the Reed Report have been denied by the Licensing Board. Two of these were appealed. The Licensing Board has certified to the Commission the question of whether the Reed Report should now be returned to GE (copy of the certification attached). The matter is presently under study in the Office of the General Counsel.

Because the Reed Report has been made available to the Licensing Board in confidence and is subject to a Protective Order, and because the list of 27 safety related considerations is accorded confidential treatment under the terms of the same 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 CFR 9.5(a)(4) of the Commission's regulations. The person responsible for this denial is the undersigned.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Sheldon J. Wolfe".

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

Attachments: As stated

HEARINGS  
 BEFORE THE

*Witness list  
 known name on page 176  
 given  
 of Red  
 paper*

BEFORE THE

NINETY-FOURTH CONGRESS

## SECOND SESSION

FEBRUARY 18, 23, AND 24, MARCH 2 AND 4, 1976

Volume 2: Appendixes 12-19

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**References**

WASHINGTON 1954

For sale by the Superintendent of Documents, U.S. Government Printing Office  
Washington, D.C. 20540 • Price \$4.10

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"1. Has the Nuclear Regulatory Commission been presented with a review of the findings of Dr. Charles Reed of General Electric concerning the technical adequacy of the BWR? If so, is General Electric's progress being evaluated? What programs have been implemented by the NRC as a result of their evaluation of the Reed study?"

response

During 1975, a General Electric Company task force made a detailed critical review of their Boiling Water Reactor design to determine what improvements could be made in the way their reactors were designed, constructed, and operated. Although the task force only intended to review how improvements could affect General Electric's commercial position, the possibility that questions of safety might be raised was recognized. Therefore, the findings of the task force were reviewed by the General Electric licensing group. This review identified some twenty-seven safety related items and concluded that the NRC had been aware of all of them. As a result of the February 18 testimony, members of the NRC staff reviewed the findings of the General Electric task force and also came to the conclusion that the NRC staff was previously aware of all of the safety related items contained in the General Electric task group findings, and that no further staff action was required.

The staff report of the NRC review that was performed, dated February 23, 1976, is attached.

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