



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

December 29, 1981

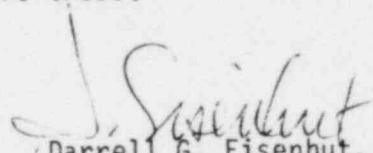
NOTE TO: H. R. Denton, Director
Office of Nuclear Reactor Regulation

FROM: Darrell G. Eisenhut, Director
Division of Licensing

SUBJECT: GE FAULT TREES (LIMERICK PRA) - IMPACT OF PUBLIC DISCLOSURE

Based on telephone discussions between a GE representative and E. Shomaker, OELD, GE has indicated that the adverse financial impact of public disclosure of the fault trees developed for the Limerick PRA would be very great and that this would adversely affect GE's marketing ability of these fault trees for which there are believed to be four or more additional customers.

Identifying the dollar impact of the disclosure is also considered highly sensitive and proprietary by GE since it would indicate to these potential customers the total cumulative amount GE would hope to realize from its investment in developing the fault trees.


Darrell G. Eisenhut, Director
Division of Licensing

cc: E. Shomaker, OELD
LB#2 Reading File
S. Lewis, OELD
R. Tedesco
A. Schwencer

FROM: Troy B. Conner, Jr. Conner & Moore		ACTION CONTROL		DATES		CONTROL NO. 11078	
TO: Dircks		COMPL DEADLINE		11/30/81		DATE OF DOCUMENT	
		ACKNOWLEDGMENT				11/9/81	
		INTERIM REPLY				PREPARE FOR SIGNATURE OF:	
		FINAL REPLY				<input type="checkbox"/> CHAIRMAN	
		FILE LOCATION				<input type="checkbox"/> EXECUTIVE DIRECTOR	
						OTHER: <u>Denton</u>	
DESCRIPTION <input checked="" type="checkbox"/> LETTER <input type="checkbox"/> MEMO <input type="checkbox"/> REPORT <input type="checkbox"/> OTHER				SPECIAL INSTRUCTIONS OR REMARKS			
Req return of all copies of fault trees information							
CLASSIFIED DATA							
DOCUMENT/COPY NO.		CLASSIFICATION					
NUMBER OF PAGES		CATEGORY					
POSTAL REGISTRY NO.		<input type="checkbox"/> NSI <input type="checkbox"/> RD <input type="checkbox"/> FRD					
ASSIGNED TO:		DATE		INFORMATION ROUTING		<input type="checkbox"/> FINAL <input type="checkbox"/> COPY	
Denton, NRR		11/10/81		Dircks Shapar		NO LEGAL OBJECTIONS NOTIFY:	
Eisenhut				Cornell Davis		<input type="checkbox"/> EDO ADMIN & CORRES BR	
Tedesco		11/12/81		Rehm DeYoung		EXT. _____	
Lawrence		11/12		Stello Minogue		COMMENTS, NOTIFY:	
				Felton Case		EXT. _____	
				Denton		<input type="checkbox"/> YES <input type="checkbox"/> NO	

NRC FORM 232
(11-75)

EXECUTIVE DIRECTOR FOR OPERATIONS

DO NOT REMOVE THIS COPY

PRINCIPAL CORRESPONDENCE CONTROL

LAW OFFICES
CONNER & MOORE
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TROY B. CONNER, JR.
ARCH A. MOORE, JR.*
MARK J. WETTERHAHN
ROBERT M. RADER
*NOT ADMITTED IN D. C.

November 9, 1981

(202) 833-3500
CABLE ADDRESS: ATOMLAW

Mr. William J. Dircks
Executive Director for
Operations
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

In the Matter of
Philadelphia Electric Company
(Limerick Generating Station, Units 1 and 2)
Docket Nos. 50-352 and 50-353

Dear Mr. Dircks:

By letter dated March 17, 1981, Eugene J. Bradley, Associate General Counsel of the Philadelphia Electric Company, transmitted to Harold R. Denton, Office of Nuclear Reactor Regulation, copies of the Operating License application in the captioned proceeding. Transmitted along with, but not part of, the application, was a two volume Probabilistic Risk Assessment ("PRA") for the Limerick Station. It is noted that Charles W. Elliott, who is counsel for Limerick Ecology Action, petitioner to intervene, requested, in a letter to the Commission dated October 27, 1981, that the information be placed in the Public Document Room or, in the alternative, produced pursuant to the Freedom of Information Act.

Under separate cover, "certain detailed fault trees" which were prepared as part of the PRA were transmitted with a request that they be withheld from public disclosure in accordance with 10 C.F.R. §2.790(d) for security reasons. On October 22, 1981, the Commission published its final rule regarding protection of unclassified safeguards information which, inter alia, held that, in general, fault trees developed during the course of a probabilistic risk assessment would not be protected under the rule.

Its actions on October 22, 1981 constitute a de facto denial of our §2.790 request that the information be withheld as security information. Accordingly, pursuant to 10

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Mr. William J. Dircks
November 9, 1981
Page 2

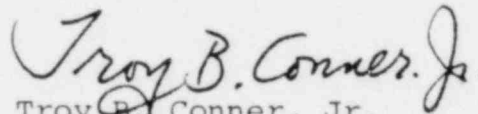
C.F.R. §2.790(c), all of the copies of the fault trees provided previously should be returned to the Company immediately.

It is noted that given the Commission's past practice of retaining a copy of a returned document pursuant to §2.790, that such retention would be inappropriate, and indeed illegal, given the fact that the Commission has ruled that it must produce such information, which happens to be in its files, pursuant to a Freedom of Information Act request. (See letters from Leonard Bickwit, Jr., General Counsel, NRC to George L. Edgar, Esq., Morgan, Lewis & Bockius dated November 5, 1980 regarding Return of the General Electric Reed Report).

If you will call me when all of the copies in the Commission's possession have been assembled, we will arrange to have them picked up immediately.

We note that the information properly should also be withheld as "Company confidential" proprietary information of the General Electric Company.

Sincerely,



Troy B. Conner, Jr.
Counsel for Philadelphia
Electric Company

cc: Charles W. Elliott, Esq.
Harold R. Denton