



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

*Scottetti*

JUN 20 1984

Ms. S.J. Niemczyk  
Union of Concerned Scientists  
1346 Connecticut Avenue, NW  
Suite 1101  
Washington, DC 20036

Dear Ms. Niemczyk:

This is in response to your letters to me dated May 14, and June 4, 1984. I am sorry for the delay in responding to you but, quite frankly, I have been waiting to respond in the hope that your employer and General Electric would come to some agreement on the matter of access to information GE considers proprietary. It is my understanding that, despite good faith negotiations, the matter has not been resolved. Accordingly, I offer the following in response to your letters.

In your first letter you asked if you could receive more timely notice of GE-NRC meetings related to GESSAR. This question was raised with the appropriate agency officials, and it has been decided that to the extent possible all GESSAR meetings will be noticed at least ten days in advance of the meeting date. If a meeting is called with less than ten days notice, then the NRC GESSAR project manager will personally telephone your office to notify you of the upcoming meeting.

Both of your letters recount your recent efforts to attend closed or proprietary GESSAR meetings and ask for my assistance in expediting your attendance at all future GE-NRC meetings related to GESSAR. It is NRC policy to have open meetings whenever possible, and this includes those in which applicants confer informally with the NRC technical staff during reviews of domestic license or permit applications. (See the NRC policy statement attached).

That same policy, however, recognizes that some meetings may include the discussion of information claimed by the applicant to be proprietary. Such information is not the property of the U.S. Government. It has been developed by the expenditure of private funds and is private property. It can be shared in confidence with a governmental regulatory body, such as the Nuclear Regulatory Commission, but it is not required to be placed in the public domain.

In the case at hand, the General Electric Company has provided the NRC with sufficient documentation to support its proprietary claim for GESSAR PRA data pursuant to the Commission's regulations at 10 C.F.R. 2.790 and the NRC Staff has accepted this claim. Therefore, the NRC is bound to treat the information as proprietary, which includes withholding it from the public,

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unless the owner gives permission for disclosure (or, of course, a determination is made that there is an overriding public health or safety concern).

You asked that my office develop a generic non-disclosure agreement to facilitate future staff-applicant meetings. For the reasons discussed above, I believe that it would not be appropriate for the NRC to act as a "broker" for what is in reality an access to private property question, particularly since the resolution of each case may depend on the specific factual context. I can only observe, however, that the negotiations between your employer and General Electric in the instant case appear to be close to resolution and suggest that, in my opinion, the agreement most recently offered by GE appears to be equitable for both sides.

Although we remain concerned about public participation in technical meetings, it would not be appropriate for the NRC to directly attempt to convince GE to share its proprietary data with any private person on terms unacceptable to GE. It is, therefore, incumbent upon you to reach agreement with GE in order to allow your attendance at meetings in which proprietary information will be disclosed. The NRC will continue to schedule and hold GE-NRC meetings related to GESSAR. In the absence of agreement, non-public sessions will have to be held in order to discuss information claimed by the applicant to be proprietary.

Sincerely,

Original signed by  
Guy H. Cunningham, III  
Guy H. Cunningham, III  
Executive Legal Director

Enclosure:  
NRC policy statement

DISTRIBUTION:  
HDenlon  
ECase  
DEisenhut  
DScalletti  
GCunningham  
EShomaker

DFC	: OELD	: NRR/D/DIB	: ELD	: <i>ELC</i>	:	:	:
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DATE	: 6/2/84	: 6/17/84	: 6/20/84	:	:	:	:

0.24 inch in diameter, all the foregoing of iron or steel, provided for in items 646.49, 646.54, 646.56, and 646.83 of the Tariff Schedules of the United States (19 U.S.C. 1202).

[FR Doc. 78-17970 Filed 6-27-78; 8:45 am]

[4410-18]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

NATIONAL SCHOOL RESOURCE CENTER

Solicitation

The Office of Juvenile Justice and Delinquency Prevention announces a competitive grant program focusing on the problem of school violence and vandalism. The objective of this solicitation is development of a school resource network that provides assistance to students, teachers, parents, security personnel, school administrators, and community personnel. The national network is to include a national school resource center and four regional school resource centers. The national network will help local schools and school districts design and implement school violence and vandalism prevention programs through training, technical assistance, and advocacy that result in changes in school response to youth behavior.

At the present time, there is no national strategy to assist schools in dealing effectively with school crime. Resources are minimal and fragmented. Many local programs are developed solely in the interest of security. They fail to accomplish their objectives, fail to address the real needs of the school systems, and fail to provide benefits that are consistent with their costs. A national school resource network dedicated to advocacy, reform, and a safer environment for students and teachers is needed to provide overall direction and coordination of existing and new school resources.

Preliminary applications in response to this announcement are due November 1, 1978. While it is anticipated that only one grant award will be made, subgrant arrangements are both acceptable and encouraged. The grant period will be for a duration of fifteen (15) months; the award amount will be up to a maximum of \$2,500,000. Preliminary applications will be considered only from public and private non-profit agency, organizations, and institutions. All such agencies, organizations, and institutions must have demonstrated experience in dealing with youth.

Copies of the program guidelines will be released on August 1, 1978, and can be obtained by contacting the Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, Depart-

ment of Justice, 633 Indiana Avenue NW., Washington, D.C. 20531.

JOHN M. RECTOR,  
Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 78-17970 Filed 6-27-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

DOMESTIC LICENSE APPLICATIONS

Open Meetings and Statement of NRC Staff Policy

The Nuclear Regulatory Commission's (NRC's) regulations in 10 CFR 2.102 permit applicants to confer informally with the NRC technical staff during reviews of domestic license or permit applications. These meetings have served as an essential means for the exchange of technical information and views necessary for the technical review of applications. For several years other parties or potential parties to domestic licensing proceedings, as well as members of the general public, have, upon request, been permitted to attend applicant-NRC technical staff meetings as observers. However, the Commission's regulations do not require that others be permitted to attend such informal meetings between applicant and staff, and the general practice being followed in this regard has never been formally articulated. This statement is intended to provide such articulation. It is also noted that this matter is related to the provision for increased public participation which was approved by the Commission during its consideration of NUREG 0292 (Denton Report).

As a general matter, the Commission and staff try to involve concerned citizens in any Commission activity in which they have expressed an interest. All meetings conducted by the NRC technical staff as part of its review of a particular domestic license or permit application (including an application for an amendment to a license or permit) will be open to attendance by all parties or petitioners for leave to intervene in the case. These meetings are intended by the NRC technical staff to facilitate an exchange of information between the applicant and the staff. It is expected that the NRC technical staff and the applicant will actively participate in the meeting. Others may attend as observers. Likewise, when meetings are scheduled between the staff and other parties or petitioners, applicants would be permitted to attend only as observers.

The general policy of open meetings described above will admit of only a few exceptions, which must be approved by the Director of the relevant

division. For example, some persons may not be permitted to attend meetings where classified or proprietary information (including sensitive safeguards information) is to be discussed. The NRC staff will prepare a written summary of the unclassified and non-proprietary portions of such meetings and forward the summary to interested persons unable to attend so that they will be informed of what transpired at the meeting. However, attendance will not be limited solely because preliminary opinions, recommendations, or advice will be offered on the merits of the applications during the meeting.

When a party or petitioner for leave to intervene requests, reasonable efforts will be made by the NRC staff to inform the party or petitioner of forthcoming meetings conducted by the NRC technical staff so that appropriate arrangements for attendance can be made. It is recognized that in some cases the need for a prompt meeting may make it impossible or impracticable to notify all parties and petitioners. The policy described above also cannot practically be applied to chance encounters between NRC technical staff personnel and other parties or petitioners but such chance encounters will not be permitted to serve as a source of information for the conduct of licensing reviews.

Dated at Bethesda, Md. this 20th day of June, 1978.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,  
Executive Director for Operations.

[FR Doc. 78-17916 Filed 6-27-78; 8:45 am]

[7590-01]

[Docket No. 50-219]

JERSEY CENTRAL POWER & LIGHT CO.

Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 32 to Provisional Operating License No. DPR-16, issued to Jersey Central Power & Light Co. (the licensee), which revised the Technical Specifications for operation of the Oyster Creek Nuclear Generating Station (the facility), located in Ocean County, N.J. The amendment is effective 30 days after the date of its issuance.

The amendment revised the Technical Specifications to incorporate requirements for establishing and maintaining the drywell to suppression chamber differential pressure and suppression chamber water level, to maintain the margins of safety established in the NRC staff's "Mark I Containment Short Term Program Safety