

DOCKET NUMBER  
PROPOSED RULE ~~PR 52~~  
(57FR24394)

EXCLUDED  
USNRC

'92 OCT -5 P5:58

October 1, 1992

U.S. NUCLEAR REGULATORY COMMISSION  
DOCKETING SERVICE

Mr. Geary Mizuno  
Office of the General Counsel  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Dear Mr. Mizuno:

I am writing to correct an inadvertent misstatement in my letter dated September 28, 1992 which provided OCRE's comments on NUC-MARC's August 19, 1992 comments on SECY-92-170.

On page 2 of my letter I stated: "It is OCRE's understanding that the Westinghouse AP-600 application which is publicly available from the Public Document Room has all drawings, even the most general plant layouts, and the entire PRA redacted as proprietary." This statement was based on information provided by another source. I have since performed a cursory review of the AP-600 application myself, and I have found that this statement is not entirely accurate. While much information has indeed been redacted as proprietary, the application does contain some drawings and a conclusory summary of the PRA methods and results. The publicly available version of the application is not completely devoid of this information, as I had been led to believe. Thus, the discussion in the third full paragraph on page 2 of my September 28 letter may not be applicable.

However, my review of the AP-600 application indicated that so much detailed information has been redacted as proprietary that the publicly available version will not support the level of independent, critical review of the design necessary to enable the formulation of meaningful comments or participation in a hearing. Therefore, the fundamental positions and conclusions of my September 28 letter remain unchanged.

Moreover, OCRE is concerned with the copyright notice contained in the AP-600 application. This notice states, "With regard to the non-proprietary versions of these reports, the NRC is permitted to make the number of copies beyond those necessary for its internal use which are necessary in order to have one copy available for public viewing in the appropriate docket files in the public document room in Washington, D.C. and in local public document rooms as may be required by NRC regulations if the number of copies submitted is insufficient for this purpose. The

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NRC is not authorized to make copies for the personal use of members of the public who make use of the NRC public document rooms." If the NRC considers itself bound by these provisions, this will create a significant burden on persons who wish to review the application, especially if such persons do not reside near a public document room. It also raises a new issue to consider in the implementation of Part 52: handling of copyrighted information, particularly when such information is to be submitted as exhibits in the hearing or as part of written comments. While OCRE appreciates the commercial and public policy reasons for the protection of intellectual property, it appears that the Westinghouse position is rather extreme and perhaps was established to discourage public scrutiny of the design and public participation in the design certification proceeding.

Sincerely,



Susan L. Hiatt  
Director, OCRE  
Ohio Citizens for Responsible Energy, Inc.  
8275 Munson Road  
Mentor, OH 44060-2406  
(216) 255-3158