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NOV 1 1973

Anthony Z. Roisman, Esq.
Berlin, Roisman and Kessler
1712 N Street, N.W.
Washington, D. C. 20036

In the Matter of Friends of the Earth v. Jersey Central
P & L Company, Commonwealth Edison Company, Niagra
Mohawk Power Company, Millstone Point Company, Northern
States Power Company, Boston Edison Company; Docket
Nos. 50-219, 50-237, 50-249, 50-254, 50-265,
50-220, 50-245, 50-263, 50-293

Dear Mr. Roisman:

In response to your October 10, 1973, letter regarding proprietary fuel densification information, relating to the above listed projects, please be advised that to date we have received Supplements 1-5 to NEDM-10735 and additional information by letter dated October 2, 1973, from the General Electric Company pertaining to GE fuel and Supplement No. 3 to Facility Change Request No. 4, dated April 17, 1973, from Jersey Central Power & Light Company covering both GE and Exxon fuel in the Oyster Creek reactor. You have received correspondence from General Electric counsel (letter dated October 18, 1973, from John K. Restrict, Esquire) confirming that the General Electric NEDM-10735 information has been and will continue to be made available to you under the conditions outlined in the GE letter. Further, pursuant to your letter, we have advised Jersey Central Power & Light of your request to execute an agreement that would permit you to examine the proprietary information contained in the Oyster Creek docket.

Action by the Regulatory staff on the requests to withhold this information from public disclosure has been deferred pending receipt of non-proprietary versions of these reports. Such non-proprietary versions have now been received and we anticipate completing the processing of these requests within the next few weeks.

Anthony Z. Roisman, Esq.

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Finally, your October 10 letter requests that we identify the bases for the requests to withhold this proprietary information from public disclosure. These bases are the following:

For NEDM-10735 information -- General Electric states that this information contains design details and analytical methods and techniques of the type which GE customarily maintains in strictest confidence and from public disclosure. GE's definition of proprietary information is similar, it maintains, to that used in the courts to define "trade secrets." It is GE's opinion that revelation of this information could enable competitors to duplicate GE's fuel design and/or its calculational methods and techniques with reduced expenditures in money and effort.

For Supplement No. 3 to Change Request No. 4 -- Jersey Central notes that GE and Exxon Nuclear consider that disclosure of this information would adversely affect them in the following manner: The publication of this information to the extent it describes details of plant performance and data, data analysis techniques, and derived results in absolute values, which taken collectively are considered to be confidential trade secrets of the Companies, would have serious business implication to the Companies in that such publication (1) would destroy such competitive advantage the Company may have acquired through private expenditures in developing this information and (2) would destroy the Company's rights to legal protection against misappropriation of such information.

Sincerely,

Original Signed By
E. G. Case

Edson G. Case
Deputy Director of
Licensing

cc: See next page

OFFICE ▶	L:ADDRP					
SURNAME ▶	RSBoyd:emm 7595	EGCase				
DATE ▶	10/30/73	10/1/73				

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Anthony Z. Roisman, Esq.

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cc: John K. Restricks, Counsel
Legal Operation
General Electric Company
175 Curtner Avenue
San Jose, California 95125

George F. Trowbridge, Esq.
Shaw, Pittman, Potts & Trowbridge
910 - 17th Street, N.W.
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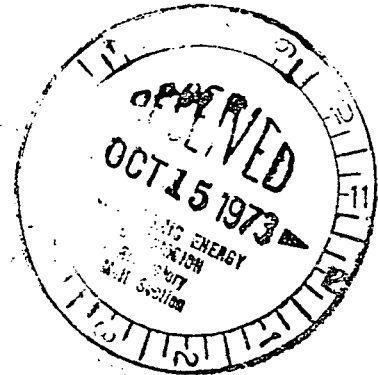
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October 10, 1973



Edson G. Case
Deputy Director of Licensing
U.S. Atomic Energy Commission
Washington, D.C. 20545

Re: In the Matter of Friends of the Earth v.
Jersey Central P & L Company, Commonwealth
Edison Company, Niagara Mohawk Power Company,
Millstone Point Company, Northern States
Power Company, Boston Edison Company;
Docket Nos. 50-219, 50-237, 50-249, 50-254,
50-265, 50-220, 50-245, 50-263, 50-293

Dear Mr. Case:

Thank you for your letter of October 5, 1973 advising that all previous and future non-proprietary data will be served on us. Would you also notify us of all allegedly proprietary communications, identify the basis for the claim and when action is to be taken on the claim? This will enable us to present arguments or data contrary to the proprietary assertion and also fully inform us of all relevant matters.

In addition, pursuant to 10 CFR Part 2, §2.790(b)(2), we are entitled to see all data so long as appropriate protective agreements are signed. Please request all those who make the proprietary claim to send us copies of the agreement so we can sign it and then place us on the simultaneous service list for all data.

Thank you for your prompt attention to this matter.

Sincerely,

Anthony Z. Roisman
Anthony Z. Roisman
Counsel for Friends of the Earth

AZR/pq

GENERAL ELECTRIC

NUCLEAR ENERGY
DIVISION

GENERAL ELECTRIC COMPANY, 175 CURTNER AVE., SAN JOSE, CALIF. 95125
Phone (408) 297-3000, TWX NO. 910-338-0116

LEGAL OPERATION

October 18, 1973

R. S. Boyd, Assistant Deputy Director
Directorate of Licensing
U. S. Atomic Energy Commission
Washington, D. C. 20545

Dear Mr. Boyd:

Pursuant to our discussion earlier today regarding Mr. Roisman's request for proprietary documents on fuel densification, I called Mr. Roisman to discuss the subject. I informed him that to date the only proprietary documents that we have filed are Supplements 1 - 5 to NEDM-10735 and that these supplements had previously been furnished to him in connection with the Vermont Yankee proceeding. I further informed him that he could consider the consent given in the Vermont Yankee proceeding to encompass the BWR fuel densification reviews initiated by the Staff and by his 9-plant petition.

As you are aware, we intend to file a new analytical model on gap conductance to include fuel densification effects. We will at that time furnish a copy of our filing to Mr. Roisman pursuant to appropriate agreement regarding proprietary materials, if any. He has indicated his agreement with this course of action.

Sincerely,



John K. Restrict, Counsel
Legal Operation
M/C 304, Ext. 3233

es

cc: A. Z. Roisman, Esq.
Berlin, Roisman and Kessler
1712 N Street, N. W.
Washington, D. C. 20036