

April 10, 1997

DEC

Mr. D. M. Smith, President
PECO Nuclear
Nuclear Group Headquarters
Correspondence Control Desk
P. O. Box 195
Wayne, PA 19087-0195

SUBJECT: REQUEST FOR WITHHOLDING OF AN INVESTIGATION REPORT

Dear Mr. Smith:

In a letter, dated November 13, 1996, Mr. J. C. Rullo, the Manager of the PECO Security Division, forwarded to the Regional Administrator, a copy of PECO internal investigation report (PECO File No. 40-80-96-3522) that addressed alleged instances of record falsification at Limerick Generating Station. The letter and its attached affidavit requested that the report be withheld from public disclosure, in accordance with the provisions of 10 CFR 2.790. Based on the affidavit, we understand that your request is being made pursuant to sections 2.790(a)(6) and 2.790(a)(7).

The NRC Region I staff reviewed the investigation report and the affidavit. Regarding your request pursuant to section 2.790(a)(7), the staff denies your request because that section applies only to investigations by agencies involved in law enforcement. Regarding your request pursuant to section 2.790(a)(6), the staff concludes that, while certain information in the report, such as the names of individuals, could be withheld to prevent an unwarranted invasion of their personal privacy, there are insufficient bases provided for withholding the entire report. The staff believes that the investigation report could be redacted in such a manner as to communicate the scope and depth of the PECO investigation along with conclusions reached and the factual bases for those conclusions. Also, the staff determined that the NRC needs to retain the investigation report as part of its regulatory record for Limerick.

Consequently, we request that you forward a version of the investigation report to us within 60 days that has "bracketed" the specific information you seek to be withheld. We intend to place a redacted version of the report in the PDR and withhold the original report.

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Mr. D. M. Smith

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If you have any questions, please call J. Bradley Fewell at (610) 337-5301.

Sincerely,

James T. Wiggins, Director
Division of Reactor Safety

Docket Nos. 50-352; 50-353

cc w/encl:

J. C. Rullo, Manager, Security, PECO Energy Company
G. A. Hunger, Jr., Chairman, Nuclear Review Board and Director - Licensing
W. MacFarland, Vice President - Limerick Generating Station
J. L. Kantner, Regulatory Engineer - Limerick Generating Station
Secretary, Nuclear Committee of the Board
Nuclear Safety Information Center (NSIC)
Commonwealth of Pennsylvania

Mr. D. M. Smith

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