



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

DEC 11 1985

MEMORANDUM FOR: All NRR Employees

FROM: Harold R. Denton, Director  
Office of Nuclear Reactor Regulation

SUBJECT: NRR OFFICE LETTER NO. 48  
PROTECTION OF UNIT-SPECIFIC NPRDS DATA

This letter contains guidance on the confidentiality of NPRDS unit-specific data and the conditions under which such data can be released to the public. The determination that NPRDS unit-specific data constitute confidential commercial information and therefore are exempt from public disclosure was made in response to a request from INPO to protect such information under 10 CFR 2.790. However, even though NPRDS data are proprietary in nature, they can be made public if they were used as the basis for a specific regulatory decision and the NRC decides (at the Office Director level) that it is in the public interest to release them. Accordingly, the NRC interprets the phrase "specific regulatory decision" to include both decisions which result in specific regulatory action being taken, such as the issuance of construction permits, operating licenses, amendments, bulletins, orders, or information notices; and decisions where a documented analysis concludes that no action is necessary (e.g., a generic study indicates there is no safety concern requiring regulatory action).

NPRDS unit-specific data can be released if the data form a basis for the regulatory decision in a documented NRC study addressing a safety concern and an NRC Office Director determines that the public's right to know that basis outweighs the need for protection of the information. Unless a compelling safety reason dictates otherwise, INPO should be notified in advance of the NRC decision to make the specific data public on a given date.

Several points should be kept in mind with regard to this determination regarding NPRDS:

1. The specific NPRDS data to be treated as proprietary are only plant or utility-specific NPRDS data (referred to as "unit-specific data") reported subsequent to January 1, 1982. Other data, for example, generic failure rates of specific components, can be publicly disclosed. Moreover, the staff should strive to the extent possible to structure reports and data so as to avoid the need to designate the report as proprietary.
2. Data should only be released if an NRC Office Director determines that the public's right to know the basis for a regulatory decision warrants the release of the data. Proprietary NPRDS data should not be included in reports that are routinely released to the public.

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3. In all cases involving proprietary NPRDS data (absent urgent health and safety considerations), prior to any public disclosure, NRC is to notify INPO of the agency's decision and the date of disclosure, thus providing INPO an opportunity to exercise their legal rights regarding such disclosure. Thirty days advance notice is recommended.
4. Letters to INPO notifying them of the Office Director's decision to release unit-specific NPRDS data should be signed out by the Office Director after receiving ELD concurrence. The Director, Regional Operations and Generic Requirements Staff, DEDROGR, should be on distribution for all correspondence regarding the release of NPRDS unit-specific data.

Finally, this determination should not in any way change or affect the technical use of NPRDS data in the activities conducted by the NRC staff or NRC contractors to carry out the agency's responsibilities. Any requests from the public for NPRDS data should be handled in accordance with established policies and practices covering proprietary data.

Original Signed By  
H. R. Denton

Harold R. Denton, Director  
Office of Nuclear Reactor Regulation

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