

July 19, 2000

Mr. Oliver D. Kingsley, President
Nuclear Generation Group
Commonwealth Edison Company
Executive Towers West III
1400 Opus Place, Suite 500
Downers Grove, IL 60515

SUBJECT: DRESDEN - REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC
DISCLOSURE (TAC NOS. MA7984 AND MA7985)

Dear Mr. Kingsley:

By application from Commonwealth Edison Company (ComEd) dated January 11, 2000, and affidavit executed by David J. Robare of General Electric Company (GE) dated December 21, 1999, you submitted proprietary document GE-NE E11-00084-01-01 entitled, "Technical Specification Improvements for the Reactor Protection System Instrumentation of the Dresden Nuclear Power Station, Units 2 & 3," and proprietary document GE-NE E11-00084-01-02 entitled, "Technical Specification Improvements for the Emergency Core Cooling System Instrumentation of the Dresden Nuclear Power Station, Units 2 & 3," and requested that they be withheld from public disclosure pursuant to 10 CFR 2.790. By letter dated March 16, 2000, NRC requested additional information concerning why the submitted information should be considered proprietary and NRC requested a non-proprietary version of the documents. By letter dated April 20, 2000, ComEd responded to our request for additional information and submitted non-proprietary versions for placement in the NRC public document room and added to the Agency-wide Documents Access and Management Systems Publically Available Records system (ADAMS PARS Library). The non-proprietary versions are report GE-NE E11-00084-01-03 entitled, "Technical Specification Improvements for the Reactor Protection System Instrumentation of the Dresden Nuclear Power Station, Units 2 & 3," and report GE-NE E11-00084-01-04 entitled, "Technical Specification Improvements for the Emergency Core Cooling System Instrumentation of the Dresden Nuclear Power Station, Units 2 & 3."

The affidavit stated that the submitted information sought to be withheld should be considered exempt from mandatory public disclosure for the following reasons:

The information sought to be withheld is a trade secret or confidential or privileged commercial or financial information;

This information is and has been held in confidence by GE;

This information is of a type customarily held in confidence by GE, and there is a rational basis for doing so because this is information which, if used by a competitor, would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation,

assurance of quality, or licensing of a similar product and because this is information which reveals aspects of past, present, or future GE customer-funded development plans and programs, of commercial value to GE;

This information was transmitted to the Commission in confidence;

This information is not available in public sources; and,

Public disclosure of the information sought to be withheld is likely to cause substantial harm to the competitive position of GE taking into account the value of the information to GE, the amount of money and effort expended by GE in developing the information, and the ease or difficulty with which the information could be properly acquired or duplicated by others.

We have reviewed your submittals and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of GE's statements, have determined that the submitted information sought to be withheld contains trade secrets or proprietary commercial information and should be withheld from public disclosure.

Therefore, the versions of the submitted documents GE-NE E11-00084-01-01 entitled, "Technical Specification Improvements for the Reactor Protection System Instrumentation of the Dresden Nuclear Power Station, Units 2 & 3," and GE-NE E11-00084-01-02 entitled, "Technical Specification Improvements for the Emergency Core Cooling System Instrumentation of the Dresden Nuclear Power Station, Units 2 & 3," marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.790(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the document. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You should also understand that the NRC may have cause to review

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this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

Sincerely,

/RA/

Lawrence W. Rossbach, Project Manager, Section 2
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-237 and 50-249

cc: See next page

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Sincerely,

/RA/

Lawrence W. Rossbach, Project Manager, Section 2
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

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Dresden Nuclear Power Station
Units 2 and 3

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