

October 31, 2001

Mr. Gary Van Middlesworth
Site Vice President
Duane Arnold Energy Center
Nuclear Management Company, LLC
3277 DAEC Road
Palo, IA 52324-0351

SUBJECT: DUANE ARNOLD ENERGY CENTER - REQUEST FOR WITHHOLDING
(TAC NO. MB0543)

Dear Mr. Van Middlesworth:

By your letter dated August 1, 2001, and General Electric's affidavit dated July 31, 2001, executed by George B. Stramback, you submitted "DAEC Response to NRC Containment Systems Branch Request for Additional Information Regarding Proposed Amendment for Power Uprate," and requested that it be withheld from public disclosure pursuant to 10 CFR 9.17(a)(4), 2.790(a)(4) and 2.790(d)(1). A nonproprietary version of this document has been placed in the Nuclear Regulatory Commission (NRC) public document room, and added to the Agencywide Documents Access and Management System Public Electronic Reading Room located on the NRC internet website at www.nrc.gov.

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

- a. Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by General Electric's competitors without license from General Electric constitutes a competitive economic advantage over other companies;
- b. 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.

The information identified in paragraphs a and b above, is classified as proprietary because it contains further details regarding the GE proprietary report NEDC-32980P, Safety Analysis Report for Duane Arnold Energy Center Extended Power Uprate, Class III (GE Proprietary Information), dated November 2000, which contains detailed results of analytical models, methods and processes, including computer codes, which GE has developed, obtained NRC approval of, and applied to perform evaluations of transient and accident events in the GE Boiling Water Reactor ("BWR").

The NRC staff has reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of the statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the version(s) of the submitted information 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 documents. 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 also should understand that the NRC may have cause to review 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.

If you have any questions regarding this matter, I may be reached at 301-415-2020.

Sincerely,

/RA/

Brenda L. Mozafari, Project Manager, Section 1
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-331

cc: See next page

Therefore, the version(s) of the submitted information 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.

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Sincerely,

/RA/

Brenda L. Mozafari, Project Manager, Section 1
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-331

cc: See next page

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*See previous concurrence

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Duane Arnold Energy Center

cc:

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