

March 12, 2002

Mr. Oliver D. Kingsley, President
and Chief Nuclear Officer
Exelon Nuclear
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, Illinois 60555

SUBJECT: CLINTON POWER STATION, UNIT 1 - REQUEST FOR WITHHOLDING
INFORMATION FROM PUBLIC DISCLOSURE (TAC NO. MB2210)

Dear Mr. Kingsley:

By letter dated October 26, 2001 (RS-01-246), from K. A. Ainger of AmerGen (Exelon), and affidavit dated October 10, 2001, executed by George B. Stramback of General Electric Company (GE), it was requested that information contained in Attachment A of this letter (stated in paragraph (2) of the affidavit as Attachment to GE letter GE-CPS-AEP-060, NEDC-32989P Errata-Addenda Number 1 & Affidavit, dated October 10) be withheld from public disclosure pursuant to 10 CFR 2.790. The information provided in the letter dated October 26, 2001 is covered under a non-proprietary version of the safety analysis report, submitted by letter dated October 23, 2001 (RS-01-241), and has been placed in the Nuclear Regulatory Commission (NRC) public document room and added to the Agencywide Documents Access and Management Systems Publicly Available Records System (ADAMS PARS) Library.

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.

Paragraph (8) of the affidavit states, "The information identified in paragraph (2), above, is classified as proprietary because it contains further details regarding the GE proprietary report NEDC-32989, *Safety Analysis Report for Clinton Power Station Extended Power Uprate*, Class III (GE Proprietary Information), dated June 2001, 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")."

Paragraph (9) of the affidavit states, "Public disclosure of the information sought to be withheld is likely to cause substantial harm to GE's competitive position

and foreclose or reduce the availability of profit-making opportunities. The information is part of GE's comprehensive BWR safety and technology base, and its commercial value extends beyond the original development cost. The value of the technology base goes beyond the extensive physical database and analytical methodology and includes development of the expertise to determine and apply the appropriate evaluation process. In addition, the technology base includes the value derived from providing analyses done with NRC-approved methods."

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your 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 301-415-3027.

Sincerely,

/RA/

Jon B. Hopkins, Senior Project Manager, Section 2
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-461

cc: See next page

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Jon B. Hopkins, Senior Project Manager, Section 2
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Division of Licensing Project Management
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ADAMS Accession No: ML020440011

*See previous concurrence

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Oliver D. Kingsley

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