

August 26, 2003

MEMORANDUM TO: File

FROM: Darl S. Hood, Senior Project Manager, Section 1 /RA/
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

SUBJECT: DUANE ARNOLD ENERGY CENTER – TRANSMITTAL OF
ELECTRONIC MAIL ON PROPRIETARY WITHHOLDING REQUEST
REGARDING PRESSURE-TEMPERATURE LIMIT CURVES
(TAC NO. MB8750)

On June 19, 2003, I sent the attached e-mail to the Nuclear Management Company, LLC (the licensee) regarding the Nuclear Regulatory Commission (NRC) staff's review of General Electric (GE) Report GE-NR-A22-00100-08-01-R1, Revision 1, September 2002, (Attachment 5 of the licensee's letter dated May 2, 2003) and an accompanying Affidavit of Proprietary Information by GE (Attachment 6 of that same letter). The e-mail forwards the NRC staff comments for which the NRC staff was unable to conclude that certain portions of the proprietary version of the GE report qualified for withholding in accordance with 10 CFR 2.790.

This e-mail was the basis for the licensee's reply by letter dated June 30, 2003, that corrected errors in the marking of proprietary information contained in the GE report and provided replacement pages for both the proprietary and non-proprietary versions of that report.

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Attachment: E-mail dated June 19, 2003

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NAME	DHood	THarris	LRaghavan
DATE	08/25/03	08/20/03	08/25/03

OFFICIAL RECORD COPY

From: Darl Hood
To: Internet:clara.rushworth@nmcco.com; INTERNet:steve.catron@nmcco.com
Date: 6/19/03 3:52PM
Subject: Withholding Request on PT Curve Report

Steve

Per the attached draft comments, the NRC staff is unable to agree that some of the information claimed to be proprietary and identified for withholding qualifies for withholding based on the considerations set forth in 10 CFR 2.790(b)(4). If you wish, we can set up a conference call to discuss these draft comments before we issue our findings on the withholding request. If you agree the information is not proprietary, we will need revised pages reflecting the missing information for the non-proprietary version of the GE report. You also have the option of requesting that we return the report (and shutting the plant down September 1, 2003, once DAEC's PT curves expire). The proprietary withholding issue needs to be resolved before the staff expends a significant effort on the technical review (and must absolutely be resolved before we can conclude the technical review). Obviously, we need to resolve this quickly. Let me know how you prefer to proceed.

CC: James Medoff; Jennifer Uhle; Lakshminaras Raghavan; Lambros Lois; Mary Pat Siemien ; Nihar Ray; Stephanie Coffin

ATTACHMENT

Mail Envelope Properties

(3EF21469.E4C : 17 : 21158)

Subject: Withholding Request on PT Curve Report**Creation Date:** 6/19/03 3:52PM**From:** Darl Hood**Created By:** DSH@nrc.gov

Recipients	Action	Date & Time
clara rushworth (Internet:clara.rushworth@nmcco)	Transferred	06/19/03 03:52PM
steve catron (INTERNet:steve.catron@nmcco.com)	Transferred	06/19/03 03:52PM
owf2_po.OWFN_DO SMC1 CC (Stephanie Coffin)	Delivered Opened	06/19/03 03:52PM 06/20/03 07:40AM
owf4_po.OWFN_DO DWS BC (Deirdre Spaulding)	Opened	06/19/03 04:21PM
nrc.gov ch_po.CH_DO BLB BC (Bruce Burgess) GAW1 BC (George Wilson)	Delivered Opened Opened	06/19/03 03:52PM 06/19/03 04:09PM 06/20/03 07:22AM
nrc.gov owf2_po.OWFN_DO JXU1 CC (Jennifer Uhle) LXL1 CC (Lambros Lois) NKR CC (Nihar Ray)	Delivered Opened Opened Opened	06/19/03 03:52PM 06/19/03 05:29PM 06/19/03 03:52PM 06/19/03 03:53PM
nrc.gov owf4_po.OWFN_DO JXM CC (James Medoff) LXR1 CC (Lakshminaras Raghavan)	Delivered Opened Opened	06/19/03 03:52PM 06/19/03 03:52PM 06/19/03 03:59PM
nrc.gov owf5_po.OWFN_DO MPS CC (Mary Pat Siemien)	Delivered	06/19/03 03:52PM
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owf2_po.OWFN_DO	06/19/03 03:52PM	
owf4_po.OWFN_DO	Pending	
ch_po.CH_DO	06/19/03 03:52PM	nrc.gov
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owf4_po.OWFN_DO	06/19/03 03:52PM	nrc.gov
owf5_po.OWFN_DO	06/19/03 03:52PM	nrc.gov

Files	Size	Date & Time
withholding.wpd	4763	06/19/03 03:19PM
MESSAGE	1459	06/19/03 03:52PM

Options

Auto Delete:	No
Expiration Date:	None
Notify Recipients:	Yes
Priority:	Standard
Reply Requested:	No
Return Notification:	None

Concealed Subject:	No
Security:	Standard

To Be Delivered:	Immediate
Status Tracking:	Delivered & Opened

NRC STAFF COMMENTS REGARDING GE'S PROPRIETARY CLAIM BY AFFIDAVIT
(ATTACHMENT 6 TO NMC'S LETTER DATED MAY 2, 2003)

References:

- (1) GE Report GE-NE-A22-00100-08-01-R1, Revision 1, September 2002
(Attachment 5 of NMC's letter dated May 2, 2003).
- (2) GE Report GE-NE-A22-00100-08-01, Revision 0, September 2000
(Attachment 6 of NMC's letter dated October 16, 2000).

The NRC staff has reviewed Reference 1 with respect to GE's affidavit for proprietary withholding of certain information from public disclosure (attachment 6 of NMC's letter dated May 2, 2003). For this review, the NRC staff has used the considerations set forth in Subsection (b)(4) to 10 CFR 2.790. The NRC staff is unable to conclude that the following portions of the proprietary version of Reference 1 qualify for withholding:

1. Pages 20 (last two lines) and 21 (lines 1-5)
This information does not appear to be of a type customarily held in confidence and is available in public sources (see page 4 of Enclosure 2 to the NRC staff's letter, "Duane Arnold Energy Center - Issuance of Amendment Re: Revised Pressure-Temperature Curves," dated April 30, 2001).
2. Page 24
In the first paragraph of Section 4.3.2.1.1, the marginal line identifying that all of this paragraph is proprietary is inconsistent with the non-proprietary version containing a significant portion of this text.
3. Page 26
The information at the top of the page identified by the upper marginal line as being proprietary is available in a public source (see page 23 of Reference 2 and page 24 of the non-proprietary version of Reference 1). Also, the upper marginal line is not properly aligned with the deleted and undeleted text shown in the non-proprietary version.
4. Page G-2
The first paragraph consists solely of information of a fundamental, text-book nature that is commonly known throughout the nuclear industry. Such information does not qualify for withholding.

The second and third paragraphs consist of information of a type not customarily held in confidence. The basic methodology used by a licensee for flux calculations, including a licensee's use of NRC staff guidance, is typically identified in a non-proprietary NRC staff safety evaluation discussing whether or not acceptable methodology has been used.
5. Page G-10
It is not apparent to the NRC staff on what basis the identification of references such as approved topical reports and NRC staff guidance documents should be withheld from public disclosure.