

May 16, 2001

Gary Van Middlesworth  
Site General Manager  
Duane Arnold Energy Center  
Nuclear Management Company, LLC  
3277 DAEC Road  
Palo, IA 52324

SUBJECT: DUANE ARNOLD ENERGY CENTER - REQUEST FOR WITHHOLDING  
INFORMATION FROM PUBLIC DISCLOSURE (TAC NO. MB0394)

Dear Mr. Van Middlesworth:

By your application dated November 16, 2000, and GE Nuclear Energy's affidavit executed by George B. Stramback dated November 14, 2000, you submitted a proprietary document entitled, "Safety Analysis Report for Duane Arnold Energy Center Extended Power Uprate," and you 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). Also, a non-proprietary version of this document has been placed in the Nuclear Regulatory Commission (NRC) Public Document Room (PDR), submitted April 17, 2001, and added to the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room (PERR) located on the NRC internet website at [www.nrc.gov](http://www.nrc.gov).

GE Nuclear Energy's 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 NRC staff has 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 versions 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

Mr. G. Van Middlesworth

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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 2  
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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Brenda L. Mozafari, Project Manager, Section 2  
Project Directorate III  
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DATE	05/03/01	05/3/01	05/9/01	05/16/01

ACCESSION NO. ML011360197

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Duane Arnold Energy Center

cc:

Al Gutterman  
Morgan, Lewis, & Bockius LLP  
1800 M Street, N. W.  
Washington, DC 20036-5869

Chairman, Linn County  
Board of Supervisors  
Cedar Rapids, IA 52406

Plant Manager, Nuclear  
Duane Arnold Energy Center  
Nuclear Management Company, LLC  
3277 DAEC Road  
Palo, IA 52324

U.S. Nuclear Regulatory Commission  
Resident Inspector's Office  
Rural Route #1  
Palo, IA 52324

Regional Administrator  
U.S. NRC, Region III  
801 Warrenville Road  
Lisle, IL 60532-4531

Daniel McGhee  
Utilities Division  
Iowa Department of Commerce  
Lucas Office Building, 5th floor  
Des Moines, IA 50319

Roy A. Anderson  
Executive Vice President and Chief  
Nuclear Officer  
Nuclear Management Company, LLC  
700 First Street  
Hudson, WI 54016

Nuclear Asset Manager  
Alliant Energy/IES Utilities, Inc.  
3277 DAEC Road  
Palo, IA 52324