

March 5, 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 December 20, 2001 (RS-01-305), from K. R. Jury of AmerGen (Exelon), and affidavit dated December 10, 2001, executed by George B. Stramback of General Electric Company, it was requested that information contained in Attachment A of this letter (stated in paragraph (2) of the affidavit as Attachment 1 to letter GE-CPS-AEP-088, *Response to NRC Audit Request Regarding EPU - LOCA*, dated December 10, 2001) be withheld from public disclosure pursuant to 10 CFR 2.790. Attachment C of the letter contains a non-proprietary version of Attachment A 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 each affidavit (except the affidavit dated November 12, 2001) 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 each 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

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

DISTRIBUTION:

PUBLIC	A. Mendiola
PD3-2 r/f	J. Hopkins
M. Chawla	T. Harris
ACRS	OGC
G. Grant, RIII	

**ADAMS Accession No.: ML020370137**

OFFICE	PM:LPD3-2	PM:LPD3-2	LA:LPD3-2	OGC	SC:LPD3-2
NAME	MChawla	JHopkins	THarris	MPSiemien	AMendiola
DATE	02/25/02	02/25/02	02/22/02	02/26/02	03/5/02

OFFICIAL RECORD COPY

Oliver D. Kingsley

Clinton Power Station, Unit 1  
AmerGen Energy Company, LLC

cc:

John Skolds  
Chief Operating Officer  
Exelon Generation Company, LLC  
4300 Winfield Road  
Warrenville, Illinois 60555

K. A. Ainger  
Director-Licensing  
Mid-West Regional Operating Group  
Exelon Generation Company, LLC  
4300 Winfield Road  
Warrenville, Illinois 60555

William Bohlke  
Senior Vice President Nuclear Services  
Exelon Generation Company, LLC  
4300 Winfield Road  
Warrenville, Illinois 60555

Robert Helfrich  
Senior Counsel, Nuclear  
Mid-West Regional Operating Group  
Exelon Generation Company, LLC  
4300 Winfield Road  
Warrenville, Illinois 60555

John Cotton  
Senior Vice President - Operations  
Support  
Exelon Generation Company, LLC  
4300 Winfield Road  
Warrenville, Illinois 60555

Document Control Desk-Licensing  
Exelon Generation Company, LLC  
4300 Winfield Road  
Warrenville, Illinois 60555

Christopher Crane  
Senior Vice President - Mid-West  
Regional Operating Group  
Exelon Generation Company, LLC  
4300 Winfield Road  
Warrenville, Illinois 60555

Illinois Department of Nuclear Safety  
Office of Nuclear Facility Safety  
1035 Outer Park Drive  
Springfield, IL 62704

Jeffrey Benjamin  
Vice President - Licensing and  
Regulatory Affairs  
Exelon Generation Company, LLC  
4300 Winfield Road  
Warrenville, Illinois 60555

J. M. Heffley  
Vice President  
Clinton Power Station  
RR 3, Box 228  
Clinton, IL 61727-9351

Robert J. Hovey  
Operations Vice President  
Mid-West Regional Operating Group  
Exelon Generation Company, LLC  
4300 Winfield Road  
Warrenville, Illinois 60555

M. J. Pacilio  
Plant Manager  
Clinton Power Station  
RR 3, Box 228  
Clinton, IL 61727-9351

W. S. Iliff  
Regulatory Assurance Manager (Acting)  
Clinton Power Station  
RR 3, Box 228  
Clinton, IL 61727-9351

Oliver D. Kingsley

Clinton Power Station, Unit 1  
AmerGen Energy Company, LLC

cc:  
Resident Inspector  
U.S. Nuclear Regulatory Commission  
RR#3, Box 229A  
Clinton, IL 61727

R. T. Hill  
Licensing Services Manager  
General Electric Company  
175 Curtner Avenue, M/C 481  
San Jose, CA 95125

Regional Administrator, Region III  
U.S. Nuclear Regulatory Commission  
801 Warrenville Road  
Lisle, IL 60532-4351

Chairman of DeWitt County  
c/o County Clerk's Office  
DeWitt County Courthouse  
Clinton, IL 61727

J. W. Blattner  
Project Manager  
Sargent & Lundy Engineers  
55 East Monroe Street  
Chicago, IL 60603