

August 22, 2003

Mark A. Peifer
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
INFORMATION FROM PUBLIC DISCLOSURE (TAC NO. MB8750)

Dear Mr. Peifer:

By letter dated July 30, 2003, NMC (the licensee) submitted an affidavit dated July 28, 2003, executed by George B. Stramback requesting that information in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790:

Pressure-Temperature Curves for Duane Arnold Energy Center, Response to
RAIs 1.1 thru 1.6, 2.1, and 2.4.

Some of the proprietary information in the responses to the above mentioned requests for additional information (RAIs) was incorporated into a subsequent, revised General Electric Co. report forwarded by your letter dated August 18, 2003, which included a separate affidavit. Those portions are addressed by separate Nuclear Regulatory Commission (NRC) staff correspondence. Only your responses to the NRC staff's RAIs containing proprietary information that was not incorporated into the report forwarded August 18, 2003, (e.g., RAI Nos. 1.1 and 1.2) are addressed by this letter.

A nonproprietary copy of this document has been placed in the NRC's Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room.

The affidavit forwarded by your letter dated July 30, 2003, 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.

M. Peifer

- 2 -

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 that is not addressed by the subsequent affidavit forwarded by letter dated August 18, 2003, 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 301-415-3049.

Sincerely,

/RA by L. Mark Padovan for/

Darl S. Hood, Senior 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

M. Peifer

- 2 -

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cc: See next page

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LRaghavan DHood
THarris OGC
ACRS GGrant, RIII

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***By email**

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Duane Arnold Energy Center

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