

February 4, 2004

Mr. David J. Robare, Technical Projects Manager
General Electric Company
175 Curtner Avenue
San Jose, CA 95125

SUBJECT: GENERAL ELECTRIC COMPANY, REQUEST FOR WITHHOLDING
INFORMATION FROM PUBLIC DISCLOSURE FOR DRESDEN NUCLEAR
POWER STATION, UNITS 2 AND 3, AND QUAD CITIES NUCLEAR POWER
STATION, UNITS 1 AND 2 (TAC NOS. MB8167, MB8168, MB8169, MB8170)

Dear Mr. Robare:

By letter dated March 28, 2003, Exelon Generation Company, LLC, (Exelon) submitted an affidavit dated February 10, 2003, executed by you requesting that the information contained in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790:

Engineering Evaluation of Impact on Transient and Safety Analyses of Reducing the Low Pressure Isolation Setpoint Analytical Limit to 785 psig Dresden Units 2 & 3 and Quad Cities Units 1 & 2, GENE-0000-0010-4202-01P R0, dated January 2003.

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

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

It is information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by General Electric's (GE's) competitors without license from GE constitutes a competitive economic advantage over other companies.

It is 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.

It contains responses containing or based on detailed results of analytical models, methods and processes, including computer codes for boiling water reactors (BWRs). The development of the evaluation process along with the interpretation and application of the analytical results is derived from the extensive experience database that constitutes a major GE asset.

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.

The research, development, engineering, analytical and NRC review costs comprise a substantial investment of time and money by GE.

The precise value of the expertise to devise an evaluation process and apply the correct analytical methodology is difficult to quantify, but it clearly is substantial.

GE's competitive advantage will be lost if its competitors are able to use the results of the GE experience to normalize or verify their own process or if they are able to claim an equivalent understanding by demonstrating that they can arrive at the same or similar conclusions.

The value of this information to GE would be lost if the information were disclosed to the public. Making such information available to competitors without their having been required to undertake a similar expenditure of resources would unfairly provide competitors with a windfall, and deprive GE of the opportunity to exercise its competitive advantage to seek an adequate return on its large investment in developing these very valuable analytical tools.

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 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 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

D. Robare

-3-

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 301-415-2863.

Sincerely,

/RA/

Lawrence W. Rossbach, Project Manager, Section 2
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos.: 50-237, 50-249, 50-254, and 50-265

cc: See next page

D. Robare

-3-

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 301-415-2863.

Sincerely,

/RA/

Lawrence W. Rossbach, Project Manager, Section 2
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos.: 50-237, 50-249, 50-254, and 50-265

cc: See next page

DISTRIBUTION:

PUBLIC
PDIII/2 r/f
WRuland
AMendiola
PCoates
LRossbach
OGC
MRing, RIII
FAkstulewicz
GGrant, RIII

ADAMS Accession Number: ML040230301

***See previous concurrence**

OFFICE	PM:PD3-2	LA:PD3-2	SC:SRXB	OGC	SC:PDIII-2
NAME	LRossbach	PCoates	RLandry for, FAkstulewicz*	SCrockett	AMendiola
DATE	1/24/04	1/23/04	01/21/04	2/3/04	2/3/04

OFFICIAL RECORD COPY

Dresden and Quad Cities Nuclear Power Stations

cc:

Site Vice President - Dresden Nuclear Power Station
Exelon Generation Company, LLC
6500 N. Dresden Road
Morris, IL 60450-9765

Vice President - Operations Support
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Dresden Nuclear Power Station Plant Manager
Exelon Generation Company, LLC
6500 N. Dresden Road
Morris, IL 60450-9765

Chief Operating Officer
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Regulatory Assurance Manager - Dresden
Exelon Generation Company, LLC
6500 N. Dresden Road
Morris, IL 60450-9765

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

U.S. Nuclear Regulatory Commission
Dresden Resident Inspectors Office
6500 N. Dresden Road
Morris, IL 60450-9766

Director Licensing
Mid-West Regional Operating Group
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Chairman
Grundy County Board
Administration Building
1320 Union Street
Morris, IL 60450

Senior Counsel, Nuclear
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

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

Manager Licensing - Dresden and
Quad Cities
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Illinois Emergency Management
Agency
Division of Disaster Assistance &
Preparedness
110 East Adams Street
Springfield, IL 62701-1109

Site Vice President - Quad Cities Nuclear Power
Station
Exelon Generation Company, LLC
22710 206th Avenue N.
Cordova, IL 61242-9740

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

Quad Cities Nuclear Power Station Plant Manager
Exelon Generation Company, LLC
22710 206th Avenue N.
Cordova, IL 61242-9740

Senior Vice President, Nuclear Services
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Dresden and Quad Cities Nuclear Power Stations

cc:

Regulatory Assurance Manager - Quad
Cities
Exelon Generation Company, LLC
22710 206th Avenue N.
Cordova, IL 61242-9740

Quad Cities Resident Inspectors Office
U.S. Nuclear Regulatory Commission
22712 206th Avenue N.
Cordova, IL 61242

David C. Tubbs
MidAmerican Energy Company
One River Center Place
106 E. Second, P.O. Box 4350
Davenport, IA 52808-4350

Vice President - Law and Regulatory Affairs
MidAmerican Energy Company
One River Center Place
106 E. Second Street
P.O. Box 4350
Davenport, IA 52808

Chairman
Rock Island County Board of Supervisors
1504 3rd Avenue
Rock Island County Office Bldg.
Rock Island, IL 61201