

March 16, 2000

Mr. Oliver D. Kingsley, President  
Nuclear Generation Group  
Commonwealth Edison Company  
Executive Towers West III  
1400 Opus Place, Suite 500  
Downers Grove, IL 60515

SUBJECT: DRESDEN - REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC  
DISCLOSURE (TAC NOS. MA7984 AND MA7985)

Dear Mr. Kingsley:

By letter from Commonwealth Edison Company (ComEd, the licensee) dated January 11, 2000, and affidavit executed by David J. Robare of General Electric Company dated December 21, 1999, you submitted proposed changes to Technical Specification Surveillance Test Intervals and Allowable Outage Times and requested that Attachment E to your letter be withheld from public disclosure pursuant to 10 CFR 2.790.

10 CFR 2.790(b)(1)(ii) requires that each supporting affidavit contain a full statement of the reasons on the basis of which it is claimed that the information should be withheld from public disclosure. The section further requires the statement to "address with specificity" the considerations listed in 10 CFR 2.790(b)(4).

The affidavit has been reviewed in light of the aforementioned paragraphs of the regulations. Although your January 11, 2000, letter requested withholding all of Attachment E, the affidavit only sought to withhold those portions of reports GE-NE E11-00084-01-01 and GE-NE E11-00084-01-02 in Attachment E that are delineated by bars or brackets. The affidavit did not request withholding report GE-NE E11-00084-01-04 in Attachment E. Also, a sampling review of information delineated as proprietary by bars in Section 3 of report GE-NE E11-00084-01-01 indicates that much of the introductory information in the Section 3 subsections is available in publically available information such as the Updated Final Safety Analysis Report.

Accordingly, consideration should be given to supplementing the present record with additional factual information. If such action is taken, it is suggested that you either modify your request or furnish specific factual information for your application indicating the reasons that the information in Attachment E that is not indicated by brackets or bars should be withheld from public disclosure. It is also suggested that you review the information indicated by brackets or bars for information that is publically available and either modify your request or provide the basis for withholding information that is publically available. Your response should also include, as far as possible, a non-proprietary version of any documents requested to be withheld for placement in the NRC public document room.

In summary, we have determined that your affidavit is not in conformity with 10 CFR 2.790(b) of the Commission's regulations inasmuch as it fails to address the considerations of

paragraph (b)(4) with sufficient specificity to enable us to make the required determination under 10 CFR 2.790(b). Consequently, we are unable to conclude at this time that the information referenced in the affidavit is proprietary.

In accordance with 10 CFR 2.790(c), the information sought to be withheld will be placed in the Commission's Public Document Room 30 days after your receipt of this letter unless you either seek to withdraw the information requested to be withheld or provide the Nuclear Regulatory Commission with an amended affidavit meeting the requirements of 10 CFR 2.790(b). If you request that the information be withdrawn, your request will be considered in light of applicable statutes and regulations and a determination made whether the documents will be withheld from public disclosure and returned to you.

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 and 50-249

cc: See next page

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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 and 50-249

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Commonwealth Edison Company

Dresden Nuclear Power Station  
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cc:

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