

April 3, 2000

Mr. J. H. Swailes  
Vice President of Nuclear Energy  
Nebraska Public Power District  
P. O. Box 98  
Brownville, NE 68321

SUBJECT: COOPER STATION - REQUEST FOR WITHHOLDING INFORMATION FROM  
PUBLIC DISCLOSURE (TAC NO. MA7293)

Dear Mr. Swailes:

By your application dated March 17, 2000, and Global Nuclear Fuel–Americas' (GNF–A's) affidavit dated March 14, 2000, executed by Glen A. Watford, you submitted responses to NRC's request for additional information related to an amendment request dated December 6, 1999, to revise Cooper Nuclear Station technical specifications on the safety limit minimum critical power ratio values and requested that this information be withheld from public disclosure pursuant to 10 CFR 2.790. A nonproprietary version was submitted for placement in the NRC public document room.

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

1. The information discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by GNF–A's competitors without license from GNF–A constitutes a competitive economic advantage over other companies.
2. The information, 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.
3. The information contains details of GNF–A's fuel design and licensing technology. The development of the methods used in these analyses, along with the testing, development, and approval of the supporting methodology, was achieved at a significant cost, on the order of several million dollars, to GNF–A or its licensor.

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 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 301-415-3053 or [ljb@nrc.gov](mailto:ljb@nrc.gov).

Sincerely,

*/RA/*

Lawrence J. Burkhart, Project Manager, Section 1  
Project Directorate IV & Decommissioning  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-298

cc: See next page

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Lawrence J. Burkhart, Project Manager, Section 1  
Project Directorate IV & Decommissioning  
Division of Licensing Project Management  
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Cooper Nuclear Station

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