



Nebraska Public Power District
Nebraska's Energy Leader

50.90

NLS2001075
August 23, 2001

U.S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington, D.C. 20555-0001

Gentlemen:

Subject: Proposed License Amendment Related to Emergency Core Cooling System Pump
Net Positive Suction Head Requirements
Cooper Nuclear Station, NRC Docket 50-298, DPR-46

Reference: 1. Letter (NLS2001064) from J. H. Swailes (NPPD) to USNRC dated July 30,
2001, "Proposed License Amendment Related to Emergency Core Cooling
System Pump Net Positive Suction Head Requirements."

In Reference 1, the Nebraska Public Power District (NPPD) submitted a request for amendment to Operating License DPR-46 to revise the Cooper Nuclear Station (CNS) license basis. The amendment request addresses the containment overpressure contribution to emergency core cooling system (ECCS) pump net positive suction head (NPSH) requirements. The amendment request included three General Electric (GE) reports submitted with requests to withhold from public disclosure in accordance with 10CFR 2.790. Enclosure 3 of the Reference 1 amendment request, GE-NE-T2300786-00-01, has been subsequently determined to be insufficiently marked with regard to the amount of material that should be considered proprietary. The Enclosure to this letter provides an appropriately marked proprietary version of the subject report.

In accordance with the provisions of 10CFR 2.790, please replace the GE report provided as Enclosure 3 of the Reference 1 amendment request, GE-NE-T2300786-00-01, with the enclosed version of GE-NE-T2300786-00-01 and withhold the report from public disclosure. The Enclosure also includes the applicable GE affidavit attesting to the proprietary nature of the information contained in this version of the report.

The other two GE reports provided with Reference 1 (as Enclosures 2 and 4) were GE-NE-E1200141-04 and GE-NE-T2300786-00-09. These reports also contain proprietary information and should be withheld from public disclosure in accordance with the provisions of 10CFR 2.790. Reference 1 included the applicable GE affidavits attesting to the proprietary nature of the information contained in the respective reports.

AP 01

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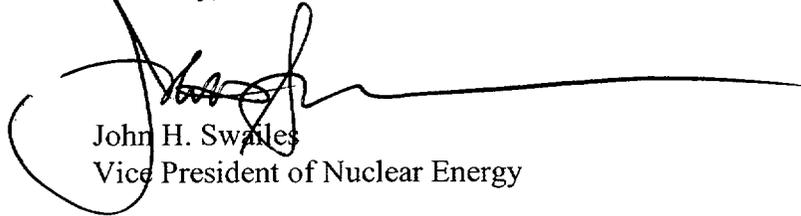
Page 2 of 3

A non-proprietary version of each of these three GE reports will be submitted under a separate letter.

By copy of this letter and attachments the appropriate State of Nebraska official is being notified in accordance with 10CFR 50.91(b)(1). Copies to the Region IV Office and the CNS Resident Inspector are also being sent in accordance with 10CFR 50.4(b)(1).

Neither this letter, nor the Reference 1 letter, contains commitments. The form which is normally attached to identify commitments was inadvertently omitted from the submittal of Reference 1. The form for both this letter and for the Reference 1 letter are included with this letter. Should you have any questions concerning this matter, please contact David Kunsemiller at (402) 825-5236.

Sincerely,



John H. Swales
Vice President of Nuclear Energy

/erg

Enclosures List of Regulatory Commitments
 List of Regulatory Commitments for NLS2001064 (Reference 1)
 GE Report NE-T23-00786-00-01, Containment System Response for NPSH
 Analysis (including affidavit)

cc: Regional Administrator
 USNRC - Region IV

Senior Project Manager
USNRC - NRR Project Directorate IV-1

Senior Resident Inspector
USNRC

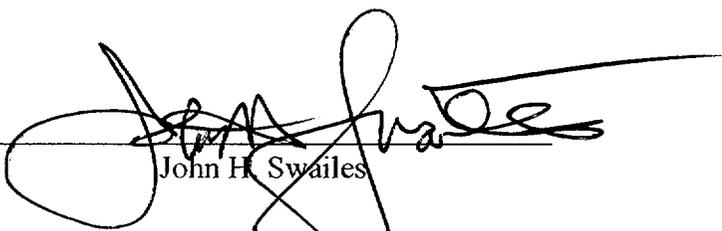
Nebraska Health and Human Services w/o Report Enclosure
Department of Regulation and Licensure

NPG Distribution w/o Report Enclosure

Records

STATE OF NEBRASKA)
)
NEMAHA COUNTY)

John H. Swailes, being first duly sworn, deposes and says that he is an authorized representative of the Nebraska Public Power District, a public corporation and political subdivision of the State of Nebraska; that he is duly authorized to submit this correspondence on behalf of Nebraska Public Power District; and that the statements contained herein are true to the best of his knowledge and belief.

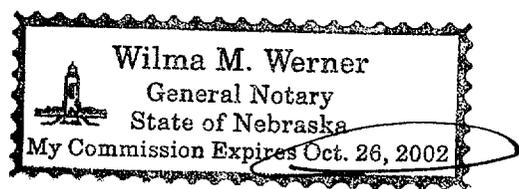


John H. Swailes

Subscribed in my presence and sworn to before me this 23rd day of August, 2001.



NOTARY PUBLIC



NLS2001075
Enclosure

COOPER NUCLEAR STATION
ACCEPTED PROPRIETARY REPORT

GE-NE-T23-00786-00-01

“Containment System Response
for
Net Positive Suction Head Analysis”
for
Cooper Nuclear Station

with
GENERAL ELECTRIC AFFIDAVIT
RELATED TO
REQUEST FOR WITHHOLDING
OF PROPRIETARY INFORMATION
PURSUANT TO 10CFR 2.790

General Electric Company

AFFIDAVIT

I, **David J. Robare**, being duly sworn, depose and state as follows:

- (1) I am Technical Projects Manager, General Electric Company ("GE") and have been delegated the function of reviewing the information described in paragraph (2) which is sought to be withheld, and have been authorized to apply for its withholding.
- (2) The information sought to be withheld is contained in a proprietary GE report GE-NE-T23-00786-00-01, Revision 3, Class 3, entitled, *Cooper Nuclear Station Containment Analysis Project, Task 1: Containment System Response for NPSH Analysis*, dated August 2001. The proprietary information is delineated by bars marked in the margin adjacent to the specific proprietary material.
- (3) In making this application for withholding of proprietary information of which it is the owner, GE relies upon the exemption from disclosure set forth in the Freedom of Information Act ("FOIA"), 5 USC Sec. 552(b)(4), and the Trade Secrets Act, 18 USC Sec. 1905, and NRC regulations 10 CFR 9.17(a)(4), 2.790(a)(4), and 2.790(d)(1) for "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (Exemption 4). The material for which exemption from disclosure is here sought is all "confidential commercial information", and some portions also qualify under the narrower definition of "trade secret", within the meanings assigned to those terms for purposes of FOIA Exemption 4 in, respectively, Critical Mass Energy Project v. Nuclear Regulatory Commission, 975F2d871 (DC Cir. 1992), and Public Citizen Health Research Group v. FDA, 704F2d1280 (DC Cir. 1983).
- (4) Some examples of categories of information which fit into the definition of proprietary information are:
 - 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;

- c. Information which reveals cost or price information, production capacities, budget levels, or commercial strategies of General Electric, its customers, or its suppliers;
- d. Information which reveals aspects of past, present, or future General Electric customer-funded development plans and programs, of potential commercial value to General Electric;
- e. Information which discloses patentable subject matter for which it may be desirable to obtain patent protection.

The information sought to be withheld is considered to be proprietary for the reasons set forth in both paragraphs (4)a. and (4)b., above.

- (5) The information sought to be withheld is being submitted to NRC in confidence. The information is of a sort customarily held in confidence by GE, and is in fact so held. The information sought to be withheld has, to the best of my knowledge and belief, consistently been held in confidence by GE, no public disclosure has been made, and it is not available in public sources. All disclosures to third parties including any required transmittals to NRC, have been made, or must be made, pursuant to regulatory provisions or proprietary agreements which provide for maintenance of the information in confidence. Its initial designation as proprietary information, and the subsequent steps taken to prevent its unauthorized disclosure, are as set forth in paragraphs (6) and (7) following.
- (6) Initial approval of proprietary treatment of a document is made by the manager of the originating component, the person most likely to be acquainted with the value and sensitivity of the information in relation to industry knowledge. Access to such documents within GE is limited on a "need to know" basis.
- (7) The procedure for approval of external release of such a document typically requires review by the staff manager, project manager, principal scientist or other equivalent authority, by the manager of the cognizant marketing function (or his delegate), and by the Legal Operation, for technical content, competitive effect, and determination of the accuracy of the proprietary designation. Disclosures outside GE are limited to regulatory bodies, customers, and potential customers, and their agents, suppliers, and licensees, and others with a legitimate need for the information, and then only in accordance with appropriate regulatory provisions or proprietary agreements.
- (8) The information identified in paragraph (2), above, is classified as proprietary because it contains detailed results of analytical models, methods and processes, including computer codes, which GE has developed, discussed with the NRC, and applies in the Containment analyses for the BWR.

The development and approval of the containment computer code was achieved at a significant cost, on the order of several million dollars, to GE.

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.

- (9) 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.

STATE OF CALIFORNIA)
)
COUNTY OF SANTA CLARA) ss:

David J. Robare, being duly sworn, deposes and says:

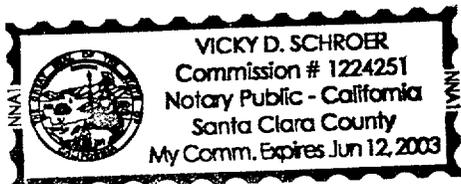
That he has read the foregoing affidavit and the matters stated therein are true and correct to the best of his knowledge, information, and belief.

Executed at San Jose, California, this 31ST day of JULY 2001.



David J. Robare
General Electric Company

Subscribed and sworn before me this 31ST day of July 2001.





Notary Public, State of California

NSA 01-356
cc: DRF T23-00786-00/Section 5
(w/o attachment)

August 1, 2001

TO: D.J. Robare
FROM: P.S. Sohn
SUBJECT: Revision 3 of FTR for Cooper Containment System Response for NPSH
Evaluation

REFERENCES: Section 4b.1c of DRF T23-00786-00

Attached please find the revision 3 of final task report for CNS NPSH evaluation. The changes from Revision 2 are the additional right hand side vertical bars to indicate GE proprietary information. The content of this revision 3 remains the same as that of revision 2. This FTR, Rev. 3 has been verified and can be found in the reference above.

The additional right hand side bars are:

- Item 5 on Page 2-3
- The bottom sentence on Page 3-2
- The first and second paragraphs on Page 3-3
- Table 3-1 on Page 3-4
- Spray height sensitivity description on Page B-1
- Pages B-23 through B-38

Please forward this FTR, Rev. 3 to NPPD.



P.S. Sohn
Containment Analysis
N&SA



Approved by: D.K Rao
Lead, Containment Analysis
N&SA