

November 14, 2002

Mr. A. Christopher Bakken III, Senior Vice President
and Chief Nuclear Officer
Indiana Michigan Power Company
Nuclear Generation Group
500 Circle Drive
Buchanan, MI 49107

SUBJECT: DONALD C. COOK NUCLEAR PLANT, UNITS 1 AND 2 - REQUEST FOR
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
(TAC NOS. MB5318 And MB5319)

Dear Mr. Bakken:

By letters dated June 5 and September 20, 2002, you submitted affidavits dated May 29 and September 18, 2002, respectively. Both affidavits were executed by H. A. Sepp of the Westinghouse Electric Company, LLC (Westinghouse), and requested that certain information in Attachment 4 to the June 5, 2002, letter and Attachment 3 to the September 20, 2002, letter be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790. Specifically, the information consists of values associated with the departure from nucleate boiling ratio during a reactor coolant pump locked rotor event analyses for Donald C. Cook Nuclear Plant, Units 1 and 2.

Subsequently, by letter dated November 13, 2002, you stated that portions of the information originally designated as proprietary in both the June 5 and September 20, 2002, letters should not have been so designated, and as such, you submitted a corrected Attachment 4 to the June 5, 2002, letter and a corrected Attachment 3 to the September 20, 2002, letter. The November 13, 2002, letter also contained an affidavit dated November 8, 2002, executed by H. A. Sepp, Westinghouse, requesting that the values specified above, which are in the corrected Attachment 4 to the June 5, 2002, letter and the corrected Attachment 3 to the September 20, 2002, letter, be withheld from public disclosure pursuant to 10 CFR 2.790. The November 8, 2002, affidavit serves as the revised application for both the June 25 and September 20, 2002, letters.

The November 8, 2002, affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

The numerical values reveal information about the Westinghouse departure from nucleate boiling ratio during a reactor coolant pump locked rotor event analysis, where prevention of the use of these values without a license from Westinghouse constitutes a competitive economic advantage over other companies.

The application of the numerical values related to the departure from nucleate boiling ratio during a reactor coolant pump locked rotor analysis secures a competitive economic advantage over other companies.

The information, which if used by a competitor, would reduce his expenditure of resources or improve his competitive position in the design, application, assurance of quality, or licensing of a similar product.

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, information identified as proprietary in the corrected Attachment 4 to the June 5, 2002, letter and the corrected Attachment 3 to the September 20, 2002, letter 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 301-415-1345.

Sincerely,

/RA/

John F. Stang, Senior Project Manager, Section 1
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-315 and 50-316

cc: See next page

The information, which if used by a competitor, would reduce his expenditure of resources or improve his competitive position in the design, application, assurance of quality, or licensing of a similar product.

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, information identified as proprietary in the corrected Attachment 4 to the June 5, 2002, letter and the corrected Attachment 3 to the September 20, 2002, letter 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.

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/RA/

John F. Stang, Senior Project Manager, Section 1
Project Directorate III
Division of Licensing Project Management
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Docket Nos. 50-315 and 50-316

cc: See next page

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Donald C. Cook Nuclear Plant, Units 1 and 2

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