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NLS2003026
February 24, 2003

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

Subject: Response to Request for Additional Information Related to Cooper License
Amendment for Safety Limits Minimum Critical Power Ratio
Cooper Nuclear Station, Docket 50-298, DPR-46

- Reference:**
1. Facsimile Transmission to C. Blair (Nebraska Public Power District) from D. Jaffe (U.S. Nuclear Regulatory Commission) dated February 11, 2003, "SLMCPR Question."
 2. Letter to U.S. Nuclear Regulatory Commission from Michael T. Coyle (Nebraska Public Power District) dated November 15, 2002, "License Amendment Request to Revise Technical Specifications - Safety Limit Minimum Critical Power Ratio" (NLS2002129).

The purpose of this letter is to respond to a Nuclear Regulatory Commission (NRC) Request for Additional Information (RAI) provided in Reference 1. This RAI refers to information previously provided in Reference 2. The RAI question and answer are included in Attachment 1. The RAI answer in Attachment 1 includes proprietary information provided by Global Nuclear Fuel - America (GNF-A) as described in 10 CFR 2.790(a)(4). Nebraska Public Power District has been advised by GNF-A that the RAI question also contains proprietary information as described in 10 CFR 2.790(a)(4). The proprietary information in both the question and answer are included within double brackets. It is requested that this information be withheld from public disclosure. The affidavit required by 10 CFR 2.790(b)(1) is provided as Attachment 2. A non-proprietary version of Attachment 1 for public disclosure is provided as Attachment 3. Attachment 4, List of Regulatory Commitments, reflects that there are no commitments in this letter.

This response is submitted under oath pursuant to 10 CFR 50.30(b). By copy of this letter and its attachments, the appropriate State of Nebraska official is notified in accordance with 10 CFR 50.91(b)(1). Copies to the NRC Region IV office and the CNS Resident Inspector are also being provided in accordance with 10 CFR 50.4(b)(1).

NLS2003026

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Should you have any questions concerning this matter, please contact Mr. Paul Fleming at (402) 825-2774.

Sincerely,



Clay C. Warren
Vice President Nuclear

/cb

Attachments

cc: Regional Administrator w/attachments
USNRC - Region IV

Senior Project Manager w/attachments
USNRC - NRR Project Directorate IV-1

Senior Resident Inspector w/attachments
USNRC

Nebraska Health and Human Services w/attachments
Department of Regulation and Licensure

NPG Distribution w/o attachments

Records w/attachments

Affidavit

STATE OF NEBRASKA)
)
NEMAHA COUNTY)

Clay C. Warren, 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.

Clay C. Warren
Clay C. Warren

Subscribed in my presence and sworn to before me this 24th day of February 2003.

LuAnn Bray
NOTARY PUBLIC



ATTACHMENT 2

AFFIDAVIT

COOPER NUCLEAR STATION
NRC DOCKET 50-298, LICENSE DPR-46



Global Nuclear Fuel

A Joint Venture of GE, Toshiba, & Hitachi

Affidavit

I, Jens G. Andersen, state as follows:

- (1) I am Fellow and project manager, TRACG Development, Global Nuclear Fuel – Americas, L.L.C. (“GNF-A”) 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 the attachment, “NRC Request for Additional Information RELATING TO AMENDMENT NO. TO LICENSE NO. DPR-46 NEBRASKA PUBLIC POWER DISTRICT COOPER NUCLEAR STATION DOCKET NO. 50-298,” February 12, 2003.
- (3) In making this application for withholding of proprietary information of which it is the owner or licensee, GNF-A 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) and 2.790(a)(4) 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 GNF-A’s competitors without license from GNF-A 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 GNF-A, its customers, or its suppliers;
 - d. Information which reveals aspects of past, present, or future GNF-A customer-funded development plans and programs, of potential commercial value to GNF-A;

- 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 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 GNF-A, and is in fact so held. Its initial designation as proprietary information, and the subsequent steps taken to prevent its unauthorized disclosure, are as set forth in (6) and (7) following. The information sought to be withheld has, to the best of my knowledge and belief, consistently been held in confidence by GNF-A, 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.
- (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, or subject to the terms under which it was licensed to GNF-A. Access to such documents within GNF-A 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 GNF-A 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) is classified as proprietary because it contains details of GNF-A's fuel design and licensing methodology.

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.

- (9) Public disclosure of the information sought to be withheld is likely to cause substantial harm to GNF-A's competitive position and foreclose or reduce the availability of profit-making opportunities. The fuel design and licensing methodology is part of GNF-A'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.

Affidavit

The research, development, engineering, analytical, and NRC review costs comprise a substantial investment of time and money by GNF-A or its licensor.

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.

GNF-A's competitive advantage will be lost if its competitors are able to use the results of the GNF-A 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 GNF-A 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 GNF-A of the opportunity to exercise its competitive advantage to seek an adequate return on its large investment in developing and obtaining these very valuable analytical tools.

I declare under penalty of perjury that the foregoing affidavit and the matters stated therein are true and correct to the best of my knowledge, information, and belief.

Executed at Wilmington, North Carolina, this 14th day of February, 2003.



Jens G. Andersen

Global Nuclear Fuel – Americas, LLC

ATTACHMENT 3

NRC Request for Additional Information
Relating to Amendment No. To License No. DPR-46

NON-PROPRIETARY VERSION

COOPER NUCLEAR STATION
NRC DOCKET 50-298, LICENSE DPR-46

NRC Request for Additional Information
RELATING TO AMENDMENT NO. TO LICENSE NO. DPR-46
NEBRASKA PUBLIC POWER DISTRICT
COOPER NUCLEAR STATION
DOCKET NO. 50-298

1. Describe detailed core design process including approved methods used, based on a plant/cycle specific parameters, to model [[]] the entire cycle operation. Also, provide a Table to show net adjustment to SLMCPR for both dual loop operation and single loop operation including BOC, MOC and EOC.

RESPONSE

Reference (1) describes the process used to evaluate the applicability of the GEXL correlation for GE14 for different axial power shapes. The same process is used for other GEXL correlations for other GE fuel products. [[]] Most of the cycle the axial power shape remains predominantly bottom-peaked and slowly shifts to a mid-peaked axial power shape later in the cycle. Thus a table [[]] is not necessary. If present, the table would simply show that no adjustments were necessary to the calculated dual loop and single loop SLMCPR values.

Reference:

- (1) Letter, Glen A. Watford (GNF-A) to U. S. Nuclear Regulatory Commission Document Control Desk with attention to J. Donoghue (NRC), "Final Presentation Material for GEXL Presentation – February 11, 2002", FLN-2002-004, February 12, 2002.

ATTACHMENT 4

LIST OF REGULATORY COMMITMENTS

COOPER NUCLEAR STATION
NRC DOCKET 50-298, LICENSE DPR-46

