

March 4, 2003

Mr. Jens G. Andersen
Project Manager, TRACG Development
Global Nuclear Fuel - Americas, LLC
M/C B12
3901 Castle Hayne Road
Wilmington, NC 28401

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
RE: COOPER NUCLEAR STATION REQUEST FOR ADDITIONAL
INFORMATION (TAC NO. MB6816)

Dear Mr. Andersen:

By letter dated February 24, 2003, Nebraska Public Power District (NPPD) submitted a response to the U.S. Nuclear Regulatory Commission (NRC) staff's request for additional information (RAI) concerning "Additional Information Regarding the Cycle Specific SLMCPR for Cooper Cycle 22." The RAI response contained information that Global Nuclear Fuel - Americas, LLC (GNF-A) claims to be proprietary. The February 24, 2003, letter forwarded an affidavit, executed by you, dated February 14, 2003, which requested that the proprietary information be withheld from public disclosure pursuant to Section 2.790, "Public inspections, exemptions, requests for withholding," to Title 10 of the *Code of Federal Regulations* (10 CFR). The information which GNF-A claims to be proprietary is contained within double, square brackets ([[]]) in the subject document. A nonproprietary version of the information was transmitted with the February 24, 2003, letter from NPPD and has been placed in the NRC's Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room.

The February 14, 2003, affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- 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.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of the statements in the GNF-A affidavit, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

J. Andersen

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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 301-415-1476.

Sincerely,

/RA/

Mohan C. Thadani, Senior Project Manager, Section 1
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-298

cc: See next page

Cooper Nuclear Station
cc:

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Mr. Clay C. Warren
Vice President of Nuclear Energy
Nebraska Public Power District
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Brownville, NE 68321

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