

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.

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:

Mr. William J. Fehrman  
President and Chief Executive Officer  
Nebraska Public Power District  
1414 15<sup>th</sup> Street  
Columbus, NE 68601

Mr. Michael T. Coyle  
Site Vice President  
Nebraska Public Power District  
P. O. Box 98  
Brownville, NE 68321

Mr. John R. McPhail, General Counsel  
Nebraska Public Power District  
P. O. Box 499  
Columbus, NE 68602-0499

Mr. Paul V. Fleming, Licensing Manager  
Nebraska Public Power District  
P.O. Box 98  
Brownville, NE 68321

Mr. Michael J. Linder, Director  
Nebraska Department of Environmental  
Quality  
P. O. Box 98922  
Lincoln, NE 68509-8922

Chairman  
Nemaha County Board of Commissioners  
Nemaha County Courthouse  
1824 N Street  
Auburn, NE 68305

Ms. Cheryl K. Rogers, Program Manager  
Nebraska Health & Human Services  
System  
Division of Public Health Assurance  
Consumer Services Section  
301 Centennial Mall, South  
P. O. Box 95007  
Lincoln, NE 68509-5007

Mr. Ronald A. Kucera, Director  
of Intergovernmental Cooperation  
Department of Natural Resources  
P.O. Box 176  
Jefferson City, MO 65102

Senior Resident Inspector  
U.S. Nuclear Regulatory Commission  
P. O. Box 218  
Brownville, NE 68321

Regional Administrator, Region IV  
U.S. Nuclear Regulatory Commission  
611 Ryan Plaza Drive, Suite 1000  
Arlington, TX 76011

Jerry Uhlmann, Director  
State Emergency Management Agency  
P. O. Box 116  
Jefferson City, MO 65101

Chief, Radiation Control Program, RCP  
Kansas Department of Health  
and Environment  
Bureau of Air and Radiation  
1000 SW Jackson  
Suite 310  
Topeka, KS 66612-1366

Mr. Daniel K. McGhee  
Bureau of Radiological Health  
Iowa Department of Public Health  
401 SW 7<sup>th</sup> Street  
Suite D  
Des Moines, IA 50309

Mr. Scott Clardy, Director  
Section for Environmental Public Health  
P.O. Box 570  
Jefferson City, MO 65102-0570

Mr. Clay C. Warren  
Vice President of Nuclear Energy  
Nebraska Public Power District  
P. O. Box 98  
Brownville, NE 68321

J. Andersen

-2-

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

DISTRIBUTION:

PUBLIC	RidsNrrLAMMcAllister
PDIV-1 Reading	MPSiemien, OGC
RidsNrrDlpmPdiv (HBerkow)	RidsRgn4MailCenter (AHowell)
RidsNrrDlpmPdivLpdiv (RGramm)	Rcaruso, DSSA/SRXB
RidsNrrPMDJaffe	
RidsNrrPMMThadani	

ADAMS Accession No.: ML030640116

NRR-084

OFFICE	PDIV-1/PM	PDIV-1/LA	PDIV-1/PM	SRXB/SC	OGC	PDIV-1/SC
NAME	DJaffe:sab	MMcAllister	MThadani	RCaruso	MPSiemien	RGramm
DATE	2/27/03	2/27/03	3/04/03	2/27/03	3/03/03	3/04/03

**OFFICIAL RECORD COPY**