

April 30, 2003

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 NO. MB6751)

Dear Mr. Bakken:

By letter dated February 24, 2003, the Indiana Michigan Power Company (I&M) submitted an affidavit dated February 24, 2003. The affidavit was executed by J. E. Pollock, Site Vice President of the Donald C. Cook Nuclear Plant. I&M requested that certain information identified as proprietary in the following documents be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790.

The licensee identified the entire Attachment 1 to the February 24, 2003, letter as proprietary. Attachment 1 consists of calculations and calculation methodology associated with evaluating uncertainties for measurement uncertainty recapture power uprates.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure. Public disclosure of the information is likely to cause harm to I&M because it would allow other companies in the nuclear industry to benefit from the results of a significant analysis program without requiring commensurate expense, allowing I&M to recoup a portion of its expenditures, or benefit from the sale of the information as described below:

The uncertainty calculation methodology can easily be adapted to other nuclear plants evaluating measurement uncertainty recapture power uprates.

I&M may elect to recover a portion of the costs of this methodology development by making the information available to other utilities on a cost-sharing basis. Public disclosure of the information at this time would prevent implementation of this strategy.

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 certain information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure. However, we have determined that the first nine pages of Attachment 1 do not contain proprietary commercial information which could be withheld from public disclosure pursuant to 10 CFR 2.790. These first nine pages consist of calculation change sheets, a table of contents, and a list of effective pages. Therefore, the remainder of the pages contained in Attachment 1 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.

A. Bakken

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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

A. Bakken

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Donald C. Cook Nuclear Plant, Units 1 and 2

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