January 19, 2005

Mr. R. T. Ridenoure
Division Manager - Nuclear Operations
Omaha Public Power District
Fort Calhoun Station FC-2-4 Adm.
Post Office Box 550
Fort Calhoun, NE 68023-0550

SUBJECT: FORT CALHOUN STATION, UNIT 1 - REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE (TAC NO. MC5442)

Dear Mr. Ridenoure:

By affidavit dated January 3, 2005, executed by you, Omaha Public Power District (OPPD) requested that information in the final presentation materials used at a meeting with the NRC staff on January 10, 2005, be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390.

A nonproprietary copy of the document was not provided for placement in the NRC's Public Document Room or for addition to the Agencywide Documents Access and Management System Public Electronic Reading Room.

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

1. The information sought to be withheld from public disclosure is owned and has been held in confidence by OPPD.

3. The information is of a type customarily held in confidence by OPPD and not customarily disclosed to the public.

6. Public disclosure of the information is likely to cause substantial harm to the competitive position of OPPD because:

   a. The information consists of a summary of the feasibility and technical basis for supply of additional energy from the Fort Calhoun Station, which provides OPPD a competitive economic advantage. The information requested to be withheld reveals production capacity and commercial strategies of OPPD and its customers.

   b. The information requested to be withheld reveals aspects of privately funded development plans or programs of commercial value to the submitter or owners of the information. The availability of such information to competitors would enable them to offer their product or service to better compete with OPPD, take

marketing or other actions to improve their product's position or impair the position of OPPD product.

c. A similar product or service is provided by competitors.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 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, the information in the final presentation material, marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.390(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) 415-1445.

Sincerely,

/RA/

Alan Wang, Project Manager, Section 2
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-285

cc: See next page

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Alan Wang, Project Manager, Section 2
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Division of Licensing Project Management
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