

February 1, 2005

Mr. Randall K. Edington
Vice President-Nuclear and CNO
Nebraska Public Power District
P. O. Box 98
Brownville, NE 68321

SUBJECT: GLOBAL NUCLEAR FUEL - AMERICAS L.L.C. (GNF-A), REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR COOPER NUCLEAR STATION (TAC NO. MC4953)

Dear Mr. Edington:

By letter dated October 25, 2004, you submitted an affidavit dated September 22, 2004, executed by Margaret E. Harding, GNF-A, requesting that the information contained in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

“Additional Information Regarding the Cycle Specific SLMCPR [Safety Limit Minimum Critical Power Ratio] for Cooper Nuclear Station Cycle 23”

A nonproprietary copy of this document has been placed in the Nuclear Regulatory Commission's (NRC's) Public Document Room and added 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:

- 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 2.390 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 version(s) of the submitted information 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 301-415-1774.

Sincerely,

/RA/

Michelle Honcharik, Project Manager, Section 1
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-298

cc: Plant Mailing List

Randall K. Edington

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 301-415-1774.

Sincerely,

/RA/

Michelle Honcharik, Project Manager, Section 1
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-298

cc: Plant Mailing List

DISTRIBUTION:

- PUBLIC
- PDIV-1 Reading
- RidsNrrDlpmLpdiv (HBerkow)
- RidsNrrDlpmLpdiv1 (AHowe)
- RidsNrrLADJohnson
- RidsNrrPMMHoncharik
- RidsOgcMailCenter
- FAkstulewicz
- RidsAcrcAcnwMailCenter
- RidsRgn4MailCenter
- ML050390486

[NRR-084]

OFFICE	PDIV-1/PM	PDIV-1/LA	SRXB-A/SC	PDIV-1/SC
NAME	MHoncharik	DJohnson	FAkstulewicz	MWebb for AHowe
DATE	2/1/05	2/1/05	2/1/05	2/1/05

OFFICIAL RECORD COPY

Cooper Nuclear Station

cc:

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

Mr. Michael T. Boyce
Nuclear Asset Manager
Nebraska Public Power District
1414 15th Street
Columbus, NE 68601

Mr. John C. McClure
Vice President and 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 400
Arlington, TX 76011

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

Chief, Radiation and Asbestos
Control Section
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 7th 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

Jerry C. Roberts, Director of Nuclear
Safety Assurance
Nebraska Public Power District
P.O. Box 98
Brownville, NE 68321