

May 17, 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, Nebraska 68023-0550

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
FOR THE FORT CALHOUN STATION, UNIT 1 - (TAC NO. MC3220)

Dear Mr. Ridenoure:

By letter dated May 20, 2004, Omaha Public Power District (OPPD) submitted an affidavit dated May 18, 2004, executed by Jerald S. Holm, Director, Regulatory Affairs, Framatome ANP, requesting that information contained in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390:

Framatome ANP Proprietary Drawings (referenced in letter
number LIC-04-0065)

A nonproprietary copy of the document was not provided for placement in the NRC's Public Document Room and 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:

4. This Document contains information of a proprietary and confidential nature and is of the type customarily held in confidence by FANP and not made available to the public.
5. This Document has been made available to the U.S. Nuclear Regulatory Commission in confidence with the request that the information contained in this Document be withheld from public disclosure.
6.
 - (a) The information reveals details of FANP's research and development plans and programs or their results.
 - (b) Use of the information by a competitor would permit the competitor to significantly reduce its expenditures, in time or resources, to design, produce, or market a similar product or service.
 - (c) The information includes test data or analytical techniques concerning a process, methodology, or component, the application of which results in a competitive advantage for FANP.

- (d) The information reveals certain distinguishing aspects of a process, methodology, or component, the exclusive use of which provides a competitive advantage for FANP in product optimization or marketability.
- (e) The information is vital to a competitive advantage held by FANP, would be helpful to competitors to FANP, and would likely cause substantial harm to the competitive position of FANP.

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 document entitled, "Framatome ANP Proprietary Drawings (referenced in letter number LIC-04-065)," 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 B. 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 pages

- (d) The information reveals certain distinguishing aspects of a process, methodology, or component, the exclusive use of which provides a competitive advantage for FANP in product optimization or marketability.
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Alan B. Wang, Project Manager, Section 2
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Ft. Calhoun Station, Unit 1

cc:

Winston & Strawn
ATTN: James R. Curtiss, Esq.
1400 L Street, N.W.
Washington, DC 20005-3502

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

Chairman
Washington County Board of Supervisors
P.O. Box 466
Blair, NE 68008

Mr. John Hanna, Resident Inspector
U.S. Nuclear Regulatory Commission
P.O. Box 310
Fort Calhoun, NE 68023

Regional Administrator, Region IV
U.S. Nuclear Regulatory Commission
611 Ryan Plaza Drive, Suite 400
Arlington, TX 76011-4005

Ms. Sue Semerera, Section Administrator
Nebraska Health and Human Services
Systems
Division of Public Health Assurance
Consumer Services Section
301 Centennial Mall, South
P.O. Box 95007
Lincoln, NE 68509-5007

Mr. David J. Bannister, Manager
Fort Calhoun Station
Omaha Public Power District
Fort Calhoun Station FC-1-1 Plant
P.O. Box 550
Fort Calhoun, NE 68023-0550

Mr. John B. Herman
Manager - Nuclear Licensing
Omaha Public Power District
Fort Calhoun Station FC-2-4 Adm.
P.O. Box 550
Fort Calhoun, NE 68023-0550

Framatome ANP

Project No. 728

cc:

Mr. Jerald S. Holm
Director, Regulatory Affairs
Framatome ANP
3315 Old Forest Road
Lynchburg, VA 24501