

May 4, 2006

Mr. B. F. Maurer, Acting Manager  
Regulatory Compliance and Plant Licensing  
Westinghouse Electric Company  
Nuclear Services  
P.O. Box 355  
Pittsburgh, PA 15230-0355

SUBJECT: DONALD C. COOK NUCLEAR POWER PLANT, UNITS 1 AND 2 - REQUEST  
FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE  
(TAC NOS. MD0714 AND MD0715)

Dear Mr. Maurer:

By letter and affidavit dated March 30, 2006, you submitted five proprietary copies of a document entitled "Attachment to Letter AEP-06-36 (Pages 3-14) dated March 27, 2006." You requested that the document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390.

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

- (a) The information reveals the distinguishing aspects of a process (or component, structure, tool, method, etc.) where prevention of its use by any of Westinghouse's competitors without license from Westinghouse constitutes a competitive economic advantage over other companies.
- (c) Its use 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 a similar product.

We have reviewed your letter and the enclosed material in accordance with the requirements of 10 CFR 2.390, and on the basis of your statements, we have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the entire document identified above, which is 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 301-415-1451.

Sincerely,

***/RA/***

Peter S. Tam, Senior Project Manager  
Plant Licensing Branch III-1  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos. 50-315 and 50-316

cc: See next page

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Peter S. Tam, Senior Project Manager  
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Office of Nuclear Reactor Regulation

Docket Nos. 50-315 and 50-316

cc: See next page

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**OFFICIAL RECORD COPY**

Donald C. Cook Nuclear Plant, Units 1 and 2

cc:

Regional Administrator, Region III  
U.S. Nuclear Regulatory Commission  
Suite 210  
2443 Warrenville Road  
Lisle, IL 60532-4351

Attorney General  
Department of Attorney General  
525 West Ottawa Street  
Lansing, MI 48913

Township Supervisor  
Lake Township Hall  
P.O. Box 818  
Bridgman, MI 49106

U.S. Nuclear Regulatory Commission  
Resident Inspector's Office  
7700 Red Arrow Highway  
Stevensville, MI 49127

James M. Petro, Jr., Esquire  
Indiana Michigan Power Company  
One Cook Place  
Bridgman, MI 49106

Mayor, City of Bridgman  
P.O. Box 366  
Bridgman, MI 49106

Special Assistant to the Governor  
Room 1 - State Capitol  
Lansing, MI 48909

Mr. John A. Zwolinski  
Safety Assurance Director  
Indiana Michigan Power Company  
Nuclear Generation Group  
One Cook Place  
Bridgman, MI 49106

Michigan Department of Environmental  
Quality  
Waste and Hazardous Materials Div.  
Hazardous Waste & Radiological  
Protection Section  
Nuclear Facilities Unit  
Constitution Hall, Lower-Level North  
525 West Allegan Street  
P. O. Box 30241  
Lansing, MI 48909-7741

Lawrence J. Weber, Plant Manager  
Indiana Michigan Power Company  
Nuclear Generation Group  
One Cook Place  
Bridgman, MI 49106

Mr. Joseph N. Jensen, Site Vice President  
Indiana Michigan Power Company  
Nuclear Generation Group  
One Cook Place  
Bridgman, MI 49106