



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

January 29, 2009

Mr. Stewart B. Minahan
Vice President-Nuclear and CNO
Nebraska Public Power District
72676 648A Avenue
Brownville, NE 68321

SUBJECT: COOPER NUCLEAR STATION – REQUEST FOR WITHHOLDING
INFORMATION FROM PUBLIC DISCLOSURE (TAC NO. MD9921)

Dear Mr. Minahan:

By letter dated October 13, 2008, you submitted an affidavit dated August 28, 2008, executed by Peter K. Mast, Alion Science and Technology Corporation (ALION), 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) Section 2.390:

ALION Calculation No. ALION-CAL-NPPD-3236-002, Revision 1

The document is included in Enclosure 1 to your letter to the U.S. Nuclear Regulatory Commission (NRC) dated October 13, 2008.

Section 2.390(b)(1)(ii) of 10 CFR Part 2 of the Commission's regulations requires that each supporting affidavit contain a full statement of the reasons on the basis of which it is claimed that the information should be withheld from public disclosure. The section further requires the statement to "address with specificity" the considerations listed in 10 CFR 2.390(b)(4).

The affidavit has been reviewed in light of the aforementioned paragraphs of the regulations and the staff has determined the request for withholding from public disclosure is not warranted because the information, methodologies, and calculations used in the loss-of-coolant accident (LOCA) dose analysis are based on information that can be found in the public domain.

As stated in Enclosure 1 of your letter, ALION conducted the LOCA dose analysis for Cooper Nuclear Station using the RATRAD computer code developed under NRC contract. The code and information regarding the code is publicly available. Also, the assumptions and methodology that ALION used in the LOCA dose analysis are based on Regulatory Guide 1.183, "Alternative Radiological Source Terms for Evaluating Design Basis Accidents at Nuclear Power Reactors," which is publicly available as well. Finally, many of the root equations used in your calculation of aerosol activity behavior appear simply to be published derivations of the Navier-Stokes non-compressible fluid flow dynamics equations, and the inputs to these equations are also publicly available information, of which neither ALION nor the Nebraska Public Power District has specific ownership.

Accordingly, consideration should be given to supplementing the present record with additional factual information. If such action is taken, it is suggested that you furnish specific factual

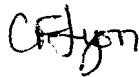
information for your application that addresses the issues noted above and indicates why the information is proprietary.

In summary, we have determined that the affidavit is not in conformity with 10 CFR 2.390(b) of the Commission's regulations inasmuch as it fails to address the considerations of 10 CFR 2.390(b)(4) with sufficient specificity to enable us to make the required determination under 10 CFR 2.390(b). Consequently, we are unable to conclude at this time that the information referenced in the affidavit is proprietary.

In accordance with 10 CFR 2.390(c), the information sought to be withheld will be placed in the Commission's Public Document Room 45 days from the date of this letter unless you either seek to withdraw the information requested to be withheld or provide the NRC with an amended affidavit meeting the requirements of 10 CFR 2.390(b). If you request that the information be withdrawn, your request will be considered in light of applicable statutes and regulations and a determination made whether the documents will be withheld from public disclosure and returned to you.

If you have any questions regarding this matter, I may be reached at 301-415-2296.

Sincerely,



Carl F. Lyon, Project Manager
Plant Licensing Branch IV
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-298

cc: Janice Bostelman, Project Manager
Alion Science and Technology Corporation
6000 Uptown Blvd NE, Suite 300
Albuquerque, NM 87110
Additional Distribution via Listserv

January 29, 2009

S. B. Minahan

- 2 -

information for your application that addresses the issues noted above and indicates why the information is proprietary.

In summary, we have determined that the affidavit is not in conformity with 10 CFR 2.390(b) of the Commission's regulations inasmuch as it fails to address the considerations of 10 CFR 2.390(b)(4) with sufficient specificity to enable us to make the required determination under 10 CFR 2.390(b). Consequently, we are unable to conclude at this time that the information referenced in the affidavit is proprietary.

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Sincerely,

/RA/

Carl F. Lyon, Project Manager
Plant Licensing Branch IV
Division of Operating Reactor Licensing
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