



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

April 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.

Paragraph 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 staff reviewed the supporting affidavit and determined that the request for withholding from public disclosure was not warranted, as documented in the staff's letter to you dated January 29, 2009 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML090270072). The staff requested that you supplement the affidavit with additional factual information to indicate why the information sought to be withheld was proprietary. You provided a supplement to the affidavit by letter dated March 5, 2009 (ADAMS Accession No. ML090700701).

The affidavit provided in your letter dated March 5, 2009, has been reviewed in light of the aforementioned paragraphs of the regulations and the staff has determined that it does not comply with the requirements of 10 CFR 2.390(b). As stated in Attachment 1 of the affidavit, "...some of the information provided in the calculation is proprietary to GE/BWROG [General Electric/Boiling Water Reactor Owners Group] and as such, Alion Science and Technology was protecting the interests of those entities from public disclosure." Paragraph 2.390(b)(1)(iii) of 10 CFR Part 2 requires that "The affidavit shall be executed by the owner of the information, even though the information sought to be withheld is submitted to the Commission by another person." The staff also noted that the document containing the information sought to be withheld does not comply with the marking requirements of 10 CFR 2.390(b)(1)(i).

The NRC staff noted several examples of information which ALION claimed should be withheld from public disclosure that appear to be publicly available. For example, in the revised affidavit provided in your letter dated March 5, 2009, ALION referenced Section 2.3.2, "Reactor Building to Environment Release," of its loss-of-coolant accident (LOCA) analysis and stated that it "...developed a no mixing release exponential to remove the radionuclides at a reasonable flowrate." The exponential is indicated as Equation 2 of its analysis. However, the referenced Equation 2 and the definitions related to this equation, appear to be simple modifications of exhaust flowrate equations and definitions already made publicly available by ALION. Specifically, Equation 2 of the current analysis appears to be derived from Equation 1 located in "Radiological Dose Analysis for a Fuel Handling Accident (FHA) At Cooper Nuclear Station," Section 2.3, "Release Rate from Secondary Containment," which is publicly available (ADAMS Accession No. ML052780184).

In its revised affidavit, ALION also referenced Section 2.4.2, "Elemental Deposition in the Steam Lines," of its LOCA analysis and stated that it implemented the deposition model from AEB-98-03, "Assessment of the Radiological Consequences for the Perry Pilot Plant Application using the revised (NUREG-1465) Source Term" (ADAMS Accession No. ML011230531), with ALION-developed corrections to the model. AEB-98-03 is publicly available.

ALION also stated that it developed transformations for the Cline model, "MSIV Leakage Iodine Transport Analysis" (ADAMS Accession No. ML003683718), from deposition velocity and fixation rates into effective deposition efficiencies. ALION's effective deposition efficiency, Equation 8 of Section 2.4.2, appears to be simply derived from Equation 3 of Section 2.4.1, "Particulate Deposition in the Steam Lines," which is publicly available in AEB-98-03. Moreover, ALION's attempt to determine a net, or effective, deposition efficiency by taking the difference between Cline-derived deposition rates and resuspension rates, as performed in Equation 8, were previously performed in LOCA calculations that are available to the public. For example, PSE&G Nuclear, LLC, attempted this derivation for the Hope Creek Generating Station LOCA dose consequence analysis, as documented in its calculation submitted on October 20, 2006 (ADAMS Accession No. ML063110185). Also, some of the inputs used in Equation 8 are either modifications of parameters already published in the Cline model, or have been derived using information which has already been made publicly available. Therefore, the model, the information regarding the model, and the various equations, inputs, and definitions used in the indicated portions of the LOCA analysis appear to be publicly available information.

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.

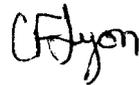
In summary, we have determined that the affidavit is not in conformity with 10 CFR 2.390(b) of the Commission's regulations inasmuch as it fails to address the considerations of 10 CFR 2.390(b)(4) with sufficient specificity to enable us to make the required determination under 10 CFR 2.390(b). Consequently,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

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ADAMS Accession No. ML090920286

*memo dated **previously concurred

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