



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

June 25, 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.

By letter dated June 12, 2009, you stated that it was determined that the information was not proprietary to ALION, but that some information was proprietary to General Electric (GE). Your letter dated June 12, 2009, provided an affidavit dated June 10, 2009, executed by Edward D. Schrull, GE Hitachi Nuclear Energy Americas LLC (GEH), requesting that the information contained in the above document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390. The document, with revised proprietary notations, is included as Enclosure 1 of your letter dated June 12, 2009.

A nonproprietary copy of this document has been placed in the 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:

The information...is classified as proprietary because it contains information regarding proprietary radiological dose assessment calculational methodology and proprietary seismic experience data base methodology and data applicable to GEH capabilities to justify BWR [boiling-water reactor] plant specific regulatory license changes which can increase MSIV [main steam isolation valve] leakage rate limits and eliminate requirements for leakage control systems. The development of this information and the methods was achieved at a significant cost to GEH and BWR Owners' Group.

The development of the evaluation process along with the interpretation and application of the analytical results is derived from the extensive experience database that constitutes a major GEH asset.

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

Therefore, the version 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 301-415-2296.

Sincerely,



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

Docket No. 50-298

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/RA/

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