



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

October 25, 2010

Mr. David J. Bannister
Vice President and CNO
Omaha Public Power District
Fort Calhoun Station
444 South 16th St. Mall
Omaha, NE 68102-2247

SUBJECT: FORT CALHOUN STATION, UNIT NO. 1 – REQUEST FOR WITHHOLDING
INFORMATION FROM PUBLIC DISCLOSURE (TAC NO. ME4541)

Dear Mr. Bannister:

By letter dated August 16, 2010 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML102300641), Omaha Public Power District (OPPD), submitted an affidavit dated July 30, 2010, executed by J.A. Gresham, Westinghouse Electric Company LLC (Westinghouse), 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), Part 2, Section 2.390:

LTR-PAFM-10-123-P, Revision 0, "Technical Justification to Support Alternative Visual Examination Intervals for Fort Calhoun Reactor Vessel Outlet Nozzle to Safe End Dissimilar Metal Welds," July 2010.

The information is included in Enclosure 1 to OPPD's letter dated August 16, 2010. A nonproprietary version of this document, designated as Enclosure 2 to OPPD's letter dated August 16, 2010, has been placed in the Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the ADAMS Public Electronic Reading Room.

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

- The use of such information by Westinghouse gives Westinghouse a competitive advantage over its competitors. It is, therefore, withheld from disclosure to protect the Westinghouse competitive position.
- It is information that is marketable in many ways. The extent to which such information is available to competitors diminishes the Westinghouse ability to sell products and services involving the use of the information.
- Use by our competitor would put Westinghouse at a competitive disadvantage by reducing his expenditure of resources at our expense.

- Each component of proprietary information pertinent to a particular competitive advantage is potentially as valuable as the total competitive advantage. If competitors acquire components of proprietary information, any one component may be the key to the entire puzzle, thereby depriving Westinghouse of a competitive advantage.
- Unrestricted disclosure would jeopardize the position of prominence of Westinghouse in the world market, and thereby gives market advantage to the competition of those countries.
- The Westinghouse capacity to invest corporate assets in research and development depends upon the success in obtaining and maintaining a competitive advantage.

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(s) 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.

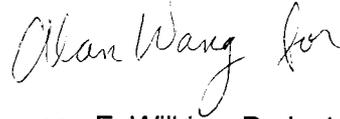
If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the 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.

D. Bannister

- 3 -

If you have any questions, please contact me at 301-415-1377 or via e-mail at lynnea.wilkins@nrc.gov.

Sincerely,



Lynnea E. Wilkins, Project Manager
Plant Licensing Branch IV
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-285

cc: J. A. Gresham, Manager
Regulatory Compliance and Plant Licensing
Westinghouse Electric Company LLC
P.O. Box 355
Pittsburgh, PA 16230-0355

Distribution via Listserv

D. Bannister

- 3 -

If you have any questions, please contact me at 301-415-1377 or via e-mail at lynnea.wilkins@nrc.gov.

Sincerely,

/RA by Alan Wang for/

Lynnea E. Wilkins, Project Manager
Plant Licensing Branch IV
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-285

cc: J. A. Gresham, Manager
Regulatory Compliance and Plant Licensing
Westinghouse Electric Company LLC
P.O. Box 355
Pittsburgh, PA 16230-0355

Distribution via Listserv

DISTRIBUTION:

PUBLIC

LPLIV r/f

RidsAcrcsAcnw_MailCTR Resource

RidsNrrDciCpnb Resource

RidsNrrDorLpl4 Resource

RidsNrrLAJBurkhardt Resource

RidsNrrPMFortCalhoun Resource

RidsOgcRp Resource

RidsRgn4MailCenter Resource

ADAMS Accession No: ML102910131

OFFICE	NRR/LPL4/PM	NRR/LPL4/LA	DCI/CPNB/BC	NRR/LPL4/BC	NRR/LPL4/PM
NAME	LWilkins AWang for	JBurkhardt	TLupold	MMarkley	LWilkins AWang for
DATE	10/20/10	10/19/10	10/21/10	10/25/10	10/25/10

OFFICIAL AGENCY RECORD