



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

November 1, 2011

Mr. Brian J. O'Grady
Vice President-Nuclear and CNO
Nebraska Public Power District
72676 648A Avenue
Brownville, NE 68321

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
FOR COOPER NUCLEAR STATION (TAC NO. ME5287)

Dear Mr. O'Grady:

By letter dated January 5, 2011 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML110100291), Nebraska Public Power District (the licensee) submitted an affidavit dated February 18, 2010, executed by James F. Harrison, GE-Hitachi Nuclear Energy Americas LLC (GEH), 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:

NEDC-33543P, "Nebraska Public Power District, Cooper Nuclear Station, Safety Relief Valve Capacity and Setpoint Evaluation," Revision 0, dated February 2010.

A nonproprietary copy of this document, designated as NEDO-33543, has been placed in the Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the ADAMS Public Electronic Reading Room under ADAMS Accession No. ML110100292.

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

- a. Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by GEH's competitors without license from GEH constitutes a competitive economic advantage over other companies.
- b. Information which, if used 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 of a similar product.

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.

B. O'Grady

- 2 -

Therefore, NEDC-33543P, "Nebraska Public Power District, Cooper Nuclear Station, Safety Relief Valve Capacity and Setpoint Evaluation," Revision 0, 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, 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. 50-298

cc: James F. Harrison
Vice President, Fuel Licensing, Regulatory Affairs
GE-Hitachi Nuclear Energy Americas LLC
P.O. Box 780, M/C A-55
Wilmington, NC 28401

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Therefore, NEDC-33543P, "Nebraska Public Power District, Cooper Nuclear Station, Safety Relief Valve Capacity and Setpoint Evaluation," Revision 0, 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.

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/RA/

Lynnea E. Wilkins, Project Manager
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Vice President, Fuel Licensing, Regulatory Affairs
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