



Nebraska Public Power District

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NLS2012002
January 16, 2012

U.S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington, D.C. 20555-0001

Subject: Completion of License Renewal Commitment NLS2009100-1 (Revision 1)
Cooper Nuclear Station, Docket No. 50-298, DPR-46

- Reference:**
1. Letter from Stewart B. Minahan (Nebraska Public Power District) to U.S. Nuclear Regulatory Commission, dated March 25, 2010, "Supplemental Information for the Review of Cooper Nuclear Station License Renewal Application" (NLS2010019).
 2. NUREG-1944, "Safety Evaluation Report Related to the License Renewal of Cooper Nuclear Station," dated September 2010.

Dear Sir or Madam:

The purpose of this letter is to fulfill License Renewal Commitment NLS2009100-1 (Revision 1). This letter also informs the Nuclear Regulatory Commission (NRC) of the commitment's completion, as required by License Condition F of the Cooper Nuclear Station (CNS) renewed Operating License.

In Reference 1, the Nebraska Public Power District (NPPD) made the following commitment:

NPPD will submit (or otherwise make available for NRC review and approval) a complete proprietary version of an analysis of the core plate rim bolts that demonstrates their adequacy considering potential loss of pre-load through the period of extended operation. This will be provided at least two years prior to the period of extended operation. NPPD expects to satisfy this commitment using the generic analysis being developed by the BWRVIP, provided that it is applicable to CNS.

This commitment was acknowledged in Appendix A of Reference 2. Enclosure 1 provides a proprietary analysis from General Electric Hitachi (GEH) that demonstrates that the core plate rim bolts will continue to perform their license renewal function, with consideration to the potential loss of pre-load, through the period of extended operation. Enclosure 2 provides a non-proprietary version of the GEH analysis for the public docket. NPPD requests that Enclosure 1 be withheld from public disclosure in accordance with 10 CFR 2.390.

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Should you have any questions regarding this submittal, please contact David Bremer, License Renewal Implementation Project Manager, at (402) 825-5673.

Sincerely,



David W. Van Der Kamp
Licensing Manager

/wv

Enclosures

cc: Regional Administrator w/Enclosure 2
USNRC - Region IV

Cooper Project Manager w/Enclosures
USNRC - NRR Project Directorate IV-1

Senior Resident Inspector w/Enclosure 2
USNRC - CNS

NPG Distribution w/o Enclosures

CNS Records w/Enclosures

Correspondence Number: NLS2012002

The following table identifies those actions committed to by Nebraska Public Power District (NPPD) in this document. Any other actions discussed in the submittal represent intended or planned actions by NPPD. They are described for information only and are not regulatory commitments. Please notify the Licensing Manager at Cooper Nuclear Station of any questions regarding this document or any associated regulatory commitments.

COMMITMENT	COMMITMENT NUMBER	COMMITTED DATE OR OUTAGE
None		

GE-Hitachi Nuclear Energy Americas LLC

AFFIDAVIT

I, **Edward D. Schrull, PE**, state as follows:

- (1) I am the Vice President, Regulatory Affairs, Services Licensing, GE-Hitachi Nuclear Energy Americas LLC (GEH), and have been delegated the function of reviewing the information described in paragraph (2), which is sought to be withheld, and have been authorized to apply for its withholding.
- (2) The information sought to be withheld is contained in GEH proprietary report NEDC-33674P, "Cooper Nuclear Station Core Plate Bolt Stress Analysis Report," Revision 0, dated October 2011. GEH proprietary information in NEDC-33674P is identified by a dotted underline placed within double square brackets. [[This sentence is an example.⁽³⁾]] Figures, large equation objects, and some tables containing GEH proprietary information are identified with double square brackets before and after the object. In all cases, the superscript notation ⁽³⁾ refers to Paragraph (3) of this affidavit that provides the basis for the proprietary determination.
- (3) In making this application for withholding of proprietary information of which it is the owner or licensee, GEH relies upon the exemption from disclosure set forth in the Freedom of Information Act ("FOIA"), 5 USC Sec. 552(b)(4), and the Trade Secrets Act, 18 USC Sec. 1905, and NRC regulations 10 CFR 9.17(a)(4), and 2.390(a)(4) for "trade secrets" (Exemption 4). The material for which exemption from disclosure is here sought also qualify under the narrower definition of "trade secret", within the meanings assigned to those terms for purposes of FOIA Exemption 4 in, respectively, Critical Mass Energy Project v. Nuclear Regulatory Commission, 975 F.2d 871 (DC Cir. 1992), and Public Citizen Health Research Group v. FDA, 704 F.2d 1280 (DC Cir. 1983).
- (4) Some examples of categories of information which fit into the definition of proprietary information are:
 - 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 that, 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;
 - c. Information that reveals aspects of past, present, or future GEH customer-funded development plans and programs, resulting in potential products to GEH;
 - d. Information that discloses patentable subject matter for which it may be desirable to obtain patent protection.

The information sought to be withheld is considered to be proprietary for the reasons set forth in paragraphs (4)a. and (4)b. above.

- (5) To address 10 CFR 2.390(b)(4), the information sought to be withheld is being submitted to NRC in confidence. The information is of a sort customarily held in confidence by GEH, and is in fact so held. The information sought to be withheld has, to the best of my knowledge and belief, consistently been held in confidence by GEH, no public disclosure has been made, and it is not available in public sources. All disclosures to third parties, including any required transmittals to NRC, have been made, or must be made, pursuant to regulatory provisions or proprietary agreements which provide for maintenance of the information in confidence. Its initial designation as proprietary information, and the subsequent steps taken to prevent its unauthorized disclosure, are as set forth in paragraphs (6) and (7) following.
- (6) Initial approval of proprietary treatment of a document is made by the manager of the originating component, the person most likely to be acquainted with the value and sensitivity of the information in relation to industry knowledge, or subject to the terms under which it was licensed to GEH. Access to such documents within GEH is limited on a "need to know" basis.
- (7) The procedure for approval of external release of such a document typically requires review by the staff manager, project manager, principal scientist, or other equivalent authority for technical content, competitive effect, and determination of the accuracy of the proprietary designation. Disclosures outside GEH are limited to regulatory bodies, customers, and potential customers, and their agents, suppliers, and licensees, and others with a legitimate need for the information, and then only in accordance with appropriate regulatory provisions or proprietary agreements.
- (8) The information identified in paragraph (2) is classified as proprietary because it contains results and details of structural analysis methods and techniques developed by GEH for the stress analysis of the core plate bolts at Cooper Nuclear Station. Development of these methods, techniques, and information and their application for the design, modification, and analyses methodologies and processes for the core plate bolt stress analysis was achieved at a significant cost to GEH. 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.
- (9) Public disclosure of the information sought to be withheld is likely to cause substantial harm to GEH's competitive position and foreclose or reduce the availability of profit-making opportunities. The information is part of GEH's comprehensive BWR safety and technology base, and its commercial value extends beyond the original development cost. The value of the technology base goes beyond the extensive physical database and analytical methodology and includes development of the expertise to determine and apply the appropriate evaluation process. In addition, the technology base includes the value derived from providing analyses done with NRC-approved methods.

The research, development, engineering, analytical and NRC review costs comprise a substantial investment of time and money by GEH.

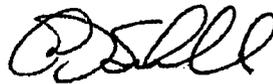
The precise value of the expertise to devise an evaluation process and apply the correct analytical methodology is difficult to quantify, but it clearly is substantial.

GEH's competitive advantage will be lost if its competitors are able to use the results of the GEH experience to normalize or verify their own process or if they are able to claim an equivalent understanding by demonstrating that they can arrive at the same or similar conclusions.

The value of this information to GEH would be lost if the information were disclosed to the public. Making such information available to competitors without their having been required to undertake a similar expenditure of resources would unfairly provide competitors with a windfall, and deprive GEH of the opportunity to exercise its competitive advantage to seek an adequate return on its large investment in developing and obtaining these very valuable analytical tools.

I declare under penalty of perjury that the foregoing affidavit and the matters stated therein are true and correct to the best of my knowledge, information, and belief.

Executed on this 4th day of October 2011.



Edward D. Schrull, PE
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