

DCS MS-016

MAY 31 1984

Docket No. 50-285

Mr. W. C. Jones
Division Manager, Production
Operations
Omaha Public Power District
1623 Harney Street
Omaha, Nebraska 68102

Dear Mr. Jones:

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM
PUBLIC DISCLOSURE

By your submittal and affidavit dated September 26, 1983, you submitted document OPPD-NA-8301-P entitled "Reload Core Analysis Methodology Overview," document OPPD-NA-8302-P entitled "Neutronics Design Methods and Verification," and document OPPD-NA-8303-P entitled "Transient and Accident Methods and Verification." You requested that these documents be withheld from public disclosure pursuant to 10 CFR 2.790.

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

1. The information was obtained from documents which identify this information as being owned by Combustion Engineering, Inc. (CE) or by Exxon Nuclear Company, Inc. (ENC).
2. It is the opinion of CE and ENC that the information in question contains trade secrets and/or privileged or confidential commercial or financial information.
3. The CE and ENC information was purchased by the District under a proprietary information agreement.
4. These documents have been appropriately designated as proprietary.
5. This information was obtained by the District from documents for which CE and ENC have executed affidavits which set forth the bases on which the information may be withheld from public disclosure by the Commission.

We have reviewed your submittal and the material based on the requirements and criteria of 10 CFR 2.790 and, on the basis of the District's statements, have determined that the submitted information sought to be withheld contains trade secrets or proprietary commercial information.

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Mr. W. C. Jones

- 2 -

We have determined that the Omaha Public Power District documents OPPD-NA-8301-P, OPPD-NA-8302-P and OPPD-NA-8303-P, marked as proprietary, should be withheld from public disclosure pursuant to 10 CFR 2.790(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

We, therefore approve your request for withholding pursuant to 10 CFR 2.790 and are withholding documents OPPD-NA-8301-P, OPPD-NA-8302-P, and OPPD-NA-8303-P from public inspection as proprietary.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the document. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, insure 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 should also understand that the NRC may have cause to review this determination in the future, such as if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC needs additional information from you or makes a determination adverse to the above, you will be notified in advance of any public disclosure.

Sincerely,

James R. Miller, Chief
Operating Reactors Branch #3
Division of Licensing

cc: See next page

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*SEE PREVIOUS PAGE FOR CONCURRENCES.

*Per OELD memo 5/23/84, ELD concurs
reg instructions in 5/31 memo. OJD*

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It is our belief, pursuant to 10 CFR 2.790(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended, that, at this time, the right of the public to be fully apprised of the submitted information does not outweigh the need to protect Combustion Engineering's and Exxon Nuclear's competitive position.

Accordingly, we have determined that the information should be withheld from public disclosure.

We, therefore approve your request for withholding pursuant to 10 CFR 2.790 and are withholding documents OPPD-NA-8301-P, OPPD-NA-8302-P, and OPPD-NA-8303-P from public inspection as proprietary.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the document. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, insure that the consultants have signed the appropriate agreements for handling proprietary information.

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Sincerely,
Original Signed by J. R. Miller

James R. Miller, Chief
Operating Reactors Branch #3
Division of Licensing

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Omaha Public Power District

cc:

Harry H. Voigt, Esq.
LeBoeuf, Lamb, Leiby & MacRae
1333 New Hampshire Avenue, N.W.
Washington, D. C. 20036

Mr. Jack Jensen
Chairman, Washington County
Board of Supervisors
Blair, Nebraska 68023

U.S. Environmental Protection Agency
Region VII
ATTN: Regional Radiation
Representative
324 East 11th Street
Kansas City, Missouri 64106

Metropolitan Planning Agency
ATTN: Dagnia Prieditis
7000 West Center Road
Omaha, Nebraska 68107

Mr. Larry Yandell
U.S.N.R.C. Resident Inspector
P. O. Box 309
Fort Calhoun, Nebraska 68023

Mr. Charles B. Brinkman
Manager - Washington Nuclear
Operations
C-E Power Systems
Combustion Engineering, Inc.
7910 Woodmont Avenue
Bethesda, Maryland 20814

Regional Administrator
Nuclear Regulatory Commission, Region IV
Office of Executive Director for Operations
611 Ryan Plaza Drive Suite 1000
Arlington, Texas 76011