



**Nebraska Public Power District**  
*Nebraska's Energy Leader*

NLS2001013  
January 30, 2001

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

Gentlemen:

Subject: Test Report 96-5457-1, Revision 0  
Cooper Nuclear Station, NRC Docket 50-298, DPR-46

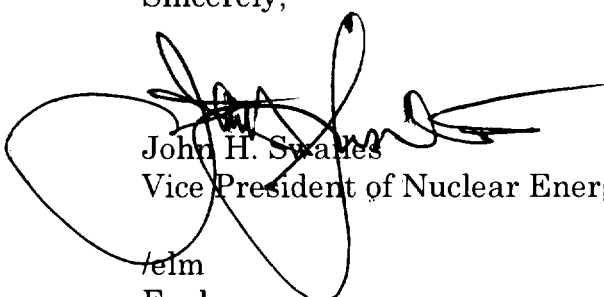
As requested in a teleconference between Nuclear Regulatory Commission (NRC) and Nebraska Public Power District (District) personnel on January 11, 2001, the District hereby submits Test Report 96-5457-1, Revision 0, dated April 14, 1997 (Enclosure 1). This report was provided to the District by Kinetrics Incorporated, a subsidiary of Ontario Power Generation, and is submitted to facilitate NRC review of the Wiedmueller Terminal Block Equipment Qualification issue at Cooper Nuclear Station.

In accordance with the provisions of 10 CFR 2.790, the Test Report 96-5457-1, Revision 0, dated April 14, 1997, contains proprietary information and should be withheld from public disclosure. Enclosure 2 is Kinetrics' affidavit attesting to the proprietary nature of the information contained in the report.

Copies are being provided to the NRC Region IV office and the CNS Resident Inspector.

Should you have any questions concerning this matter, please contact Mike Boyce at (402) 825-5100.

Sincerely,



John H. Swales  
Vice President of Nuclear Energy

/elm  
Enclosures

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cc: Regional Administrator with enclosures  
USNRC - Region IV

Senior Project Manager with enclosures  
USNRC - NRR Project Directorate IV-1

Senior Resident Inspector with enclosures  
USNRC

NPG Distribution without enclosures

Records with enclosures

# ATTACHMENT 3 LIST OF NRC COMMITMENTS

Correspondence No: NLS2001013

The following table identifies those actions committed to by the District in this document. Any other actions discussed in the submittal represent intended or planned actions by the District. They are described to the NRC for the NRC's information and are not regulatory commitments. Please notify the **NL&S** Manager at Cooper Nuclear Station of any questions regarding this document or any associated regulatory commitments.

COMMITMENT	COMMITTED DATE OR OUTAGE
NONE	

NLS2001013  
Enclosure 2

**Enclosure 2**

**Affidavit of Phil Lichtenberger, A Duly Authorized Official of Kinetrics Inc., a subsidiary of Ontario Power Generation that Test Report 96-5457-1 Revision 0 provided to NPPD is Proprietary in Nature. - 3 pages.**

**Kinectrics Inc.**

**AFFIDAVIT**

**I, Phil Lichtenberger, being duly sworn, depose and state as follows:**

- (1) I am a Business Manager, at Kinectrics Inc. ("Kinectrics") 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 a proprietary Ontario Hydro report 96-5457-1, entitled, *Test Report for the Environmental Qualification of Terminal Blocks for use in Nuclear Stations*, dated April 14, 1997. The right, title and interest held by Ontario Hydro in such report was transferred to Ontario Power Generation Inc. ("OPGI") effective April 1, 1999, and the right, title and interest held by OPGI was transferred to Kinectrics as of August 2, 2000. Pages twenty-five (25) through fifty-six (56) inclusive of report are to be withheld.
- (4) In making this application for withholding of proprietary information of which it is the owner, Kinectrics, wishes to apply for the exemption from disclosure set forth in NRC regulations 10 CFR 2.790(a)(4), "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (Exemption 4). The material for which exemption from disclosure is here sought is all "confidential commercial information".
- (4) The information sought to be withheld is considered to be proprietary for the following reasons:
  - (a) It is information that discloses a test method and apparatus, including supporting data and analyses, where use by Kinectrics' competitors or potential customers without license from Kinectrics constitutes a competitive economic advantage over other companies;
  - (b) It is information which, if used by competitors or potential customers, would reduce their expenditure of resources or improve their competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product.
- (5) The information sought to be withheld has been submitted to the NRC in confidence. The information is of a sort customarily held in confidence by Kinectrics, 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 Kinectrics, no public disclosure has been made, and it is not available in public sources. All disclosures to third parties including any required transmittals to the NRC, have been pursuant to agreements that require maintenance of the information in confidence. The steps taken to prevent its unauthorized disclosure, are as set forth in paragraph (6).

- (6) The procedure for approval of external release of such a document requires review by a Kinectrics Business Manager and Project Leader pursuant to our internal procedures. Disclosures outside Kinectrics are limited to regulatory bodies, and customers that have first executed an agreement of confidentiality with Kinectrics.
- (7) The information identified in paragraph (2), above, is deemed as proprietary because it contains detailed results of test methods and processes developed by Kinectrics and tests performed, by which Kinectrics utilized such methods and processes.

The development of the test methods and the tests performed were achieved at a significant cost, in excess of one hundred thousand dollars, to Kinectrics.

The results of the tests performed and the test methods and processes used constitute a Kinectrics asset.

- (8) Public disclosure of the information sought to be withheld is likely to cause harm to Kinectrics competitive position or reduce the availability of profit-making opportunities. The information is part of Kinectrics commercial grade item database.

Kinectrics competitive advantage will be lost if its competitors or potential customers are able to use the results of the Kinectrics 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 Kinectrics would be lost if the information were disclosed to the public. Making such information available to competitors or potential customers would deprive Kinectrics of the opportunity to exercise its competitive advantage to seek an adequate return on its investment in developing this testing capability.

Province of Ontario     )  
City of Toronto         )

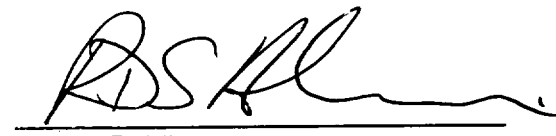
Phil Lichtenberger, being duly sworn, deposes and says:

That he has read the foregoing affidavit and the matters stated therein are true and correct to the best of his knowledge, information, and belief

Executed at Toronto, Ontario, this 24<sup>th</sup> day of January 2001.

  
\_\_\_\_\_  
Phil Lichtenberger  
Kinectrics Inc.

Subscribed and sworn before me this, 24<sup>th</sup> day of January 2001.

  
\_\_\_\_\_  
Notary Public,  
Province of Ontario