

February 13, 2001

Mr. Robert P. Powers, Senior Vice President  
Indiana Michigan Power Company  
Nuclear Generation Group  
500 Circle Drive  
Buchanan, MI 49107

SUBJECT: DONALD C. COOK NUCLEAR PLANT, UNITS 1 AND 2 - REQUEST TO  
WITHHOLD INFORMATION FROM PUBLIC DISCLOSURE (TAC NOS. MB0154  
and MB0155)

Dear Mr. Powers:

By letter dated February 1, 2001, Indiana Michigan Power Company (I&M) submitted its "Response to Nuclear Regulatory Commission (NRC) Acceptance Review of License Amendment Request" and requested that Attachment 2 (report MPR-2077, Revision 2, "D.C. Cook Nuclear Plant Reactor Coolant Pump Loss of Seal Injection (LOSI) Evaluation," dated February 2000) and Attachment 3 (enclosure to MPR Associates, Inc., letter entitled "Sensitivity of RCP No. 1 Seal Leak-off and Bearing Temperatures to Variations in the Seal Leak-off and CCW Flow Rates under Loss of Seal Injection (LOSI) Conditions," dated May 26, 2000) be withheld from public disclosure pursuant to 10 CFR 2.790. Attachments 4 and 5 to your February 1, 2001, letter were applications and affidavits from I&M and from Westinghouse Electric Company, respectively, for withholding proprietary information from public disclosure in accordance with 10 CFR 2.790

Your affidavit (Attachment 4) stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

The information sought to be withheld from public disclosure is owned by I&M and has been held in confidence by I&M and MPR Associates, Inc.

The information is of a type that would customarily be held in confidence by I&M. The information consists of analysis methodology details, analysis results, supporting data, and aspects of development programs, relative to an analysis that provides a competitive advantage to I&M.

The information is transmitted to and received by the NRC in confidence.

The information sought to be protected is not available in public sources to the best of your knowledge and beliefs.

Public disclosure of this information is likely to cause harm to I&M because it would allow other companies in the nuclear industry to benefit from the results of a significant analysis program without requiring commensurate expense, or allowing I&M to recoup a portion of its expenditures, or benefit from the sale of the information. The condition

that is the subject of the analysis is not specific to Cook Nuclear Plant, but rather is a common condition that potentially affects the nuclear plants of other utilities. The analyses were commissioned and funded solely by I&M. The cost of the analyses to I&M was substantial. The analyses can easily be adapted to other nuclear plants in this condition. The subject information could only be duplicated by other companies or groups of companies at a similar expense to that incurred by I&M. I&M may elect to recover a portion of the costs of these analyses by making the information available to other utilities on a cost-sharing basis. Public disclosure of the information at this time would prevent implementation of this competitive strategy.

The affidavit (Attachment 5) stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

The information sought to be withheld from public disclosure is owned and has been held in confidence by Westinghouse.

The information is of a type that would customarily be held in confidence by Westinghouse and there is a rational basis therefore. The information will enable Westinghouse to establish WCAP-7907-S1-P, Revision 1, based analytical models of Westinghouse-designed plants, provide documentation of the methods to be used to employ Westinghouse models for performing certain licensing basis safety analysis, and assist the customer in the licensing process. Further, the information has substantial commercial value.

The information is transmitted to and received by the NRC in confidence.

The information sought to be protected is not available in public sources or available information has not been previously employed in the same original manner or method to the best of Westinghouse's knowledge and beliefs.

Public disclosure of the information is likely to cause substantial harm to the competitive position of Westinghouse because it would enhance the ability of competitors to provide similar licensing support documentation and licensing defense services for commercial power reactors without commensurate expenses. It would also enable others to use the information to meet NRC requirements for licensing documentation without purchasing the right to use the information. The development of the technology described in part by the information is the result of applying the results of many years of experience in an intensive effort and the expenditure of a considerable sum of money. In order for competitors of Westinghouse to duplicate this information, similar design programs would have to be performed and a significant manpower effort, having the requisite talent and experience, would have to be expended for developing testing and analytical methods and performing tests.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure. Therefore, Attachment 2 (report MPR-2077, Revision 2,

"D.C. Cook Nuclear Plant Reactor Coolant Pump Loss of Seal Injection (LOSI) Evaluation," dated February 2000) and Attachment 3 (enclosure to MPR Associates, Inc., letter entitled "Sensitivity of RCP No. 1 Seal Leak-off and Bearing Temperatures to Variations in the Seal Leak-off and CCW Flow Rates under Loss of Seal Injection (LOSI) Conditions," dated May 26, 2000), marked as proprietary, will 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.

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 so 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, 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 contrary to the above, you will be notified in advance of any public disclosure.

If you have any questions regarding this matter, I may be reached at 301-415-1345.

Sincerely,

**/RA/**

John F. Stang, Senior Project Manager, Section 1  
Project Directorate III  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket Nos. 50-315 and 50-316

cc: See next page

"D.C. Cook Nuclear Plant Reactor Coolant Pump Loss of Seal Injection (LOSI) Evaluation," dated February 2000) and Attachment 3 (enclosure to MPR Associates, Inc., letter entitled "Sensitivity of RCP No. 1 Seal Leak-off and Bearing Temperatures to Variations in the Seal Leak-off and CCW Flow Rates under Loss of Seal Injection (LOSI) Conditions," dated May 26, 2000), marked as proprietary, will 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.

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