

October 14, 2003

Mr. Tim Leibel, Principal  
PL Integrated Services LLC  
268 N. 115<sup>th</sup> Street, Suite 2  
Omaha, NE 68154

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE  
FOR THE FORT CALHOUN STATION, UNIT 1 (TAC NO. MC0029)

Dear Mr. Leibel:

By letter dated August 28, 2003, Omaha Public Power District submitted an affidavit dated August 27, 2003, executed by you, requesting that information contained in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790:

*Calculation Number FC-6896-P, "Secondary Calorimetric Uncertainty Analysis"*

A nonproprietary copy of this document has been placed in the Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room.

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

1. The information sought to be withheld from public disclosure is owned and has been held in confidence by PLIS. It consists of the information concerning the technical basis and implementation of a secondary calorimetric uncertainty analysis for the Fort Calhoun Station.
3. The information is of a type customarily held in confidence by PLIS and not customarily disclosed to the public.
6.
  - a. A similar product or service is provided by competitors.
  - b. PLIS has invested substantial funds and engineering resources in the development of this information. A competitor would have to undergo similar expense in generating equivalent information.
  - c. The information consists of the technical basis and implementation of a secondary calorimetric uncertainty analysis for the Fort Calhoun Station, the application of which provides PLIS a competitive economic advantage. The availability of such information to competitors would enable them to design their product or service to better compete with PLIS, take marketing or

other actions to improve their product's position or impair the position of PLIS product, and avoid developing similar technical analysis in support of their processes, methods or apparatus.

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, the document entitled, "*Calculation Number* FC-6896-P, 'Secondary Calorimetric Uncertainty Analysis'," 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 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 regarding this matter, I may be reached at 301-415-1445.

Sincerely,

**/RA/**

Alan Wang, Project Manager, Section 2  
Project Directorate IV  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-285

cc: See next page

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/RA/

Alan Wang, Project Manager, Section 2  
Project Directorate IV  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-285

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Ft. Calhoun Station, Unit 1

cc:

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