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 FACIL: 50-316 Donald C. Cook Nuclear Power Plant, Unit 2, Indiana & 05000316  
 AUTH. NAME AUTHOR AFFILIATION  
 CHANDLER, J.C. Exxon Nuclear Co., Inc. (subs. of Exxon Corp.)  
 RECIP. NAME RECIPIENT AFFILIATION  
 EISENHUT, D.G. Division of Licensing

SUBJECT: Forwards proprietary responses to issues raised by NRC at 821202 meeting w/American Electric Power re Cycle 4 operation. Affidavit supporting withholding from public disclosure encl. Responses withheld. (ref 10CFR2.790).

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**EXXON NUCLEAR COMPANY, Inc.**

2101 Horn Rapids Road

P. O. Box 130, Richland, Washington 99352

Phone: (509) 375-8100 Telex: 15-2878

January 4, 1983

JCC:002:83

Donald C. Cook Nuclear Plant Unit 2  
Docket No. 50-361  
License No. DPR-74  
Transmittal of Responses to NRC Staff  
Concerns from December 2, 1982  
Meeting with AEP

Mr. Darrel G. Eisenhut, Director  
Division of Licensing  
Office of Nuclear Reactor Regulation  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Dear Mr. Eisenhut:

This letter transmits twenty-five (25) copies of the responses to issues raised by the NRC Staff in the December 2, 1982 meeting involving the NRC Staff, American Electric Power and Exxon Nuclear in Bethesda, Maryland. Indiana & Michigan Electric Company will be referencing these responses in future correspondence with you regarding Cycle 4 operation.

Exxon Nuclear Company considers information contained in the subject responses to be proprietary. In accordance with the Commission's Regulation 10 CFR 2.790(b), the enclosed Affidavit executed by our Dr. Richard B. Stout provides the necessary information to support the withholding of this document from public disclosure.

Please contact Dr. Juan Castresana of American Electric Power Company, telephone (212) 440-9282, if you have questions or comments regarding this transmittal.

Sincerely,

*J. C. Chandler*

J. C. Chandler  
Reload Fuel Licensing

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JCC:gf  
Attachment (25)  
As noted

CC: Mr. D. L. Wigginton (USNRC)  
Dr. J. I. Castresana (AEP)

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AN AFFILIATE OF EXXON CORPORATION

A F F I D A V I T

STATE OF Washington )  
COUNTY OF Benton ) ss.

I, Richard B. Stout, being duly sworn, hereby say and depose:

1. I am Manager, Licensing and Safety Engineering, for Exxon Nuclear Company, Inc. ("ENC"), and as such I am authorized to execute this Affidavit.

2. I am familiar with ENC's detailed document control system and policies which govern the protection and control of information.

3. I am familiar with the document entitled "Responses to NRC Staff Concerns from December 2, 1982 Meeting with American Electric Company," referred to as "Document". Information contained in this Document has been classified by ENC as proprietary in accordance with the control system and policies established by ENC for the control and protection of information.

4. The Document contains information of a proprietary and confidential nature and is of the type customarily held in confidence by ENC and not made available to the public. Based on my experience, I am aware that other companies regard information of the kind contained in the Document as being proprietary and confidential.

5. The Document has been made available to the United States Nuclear Regulatory Commission in confidence, with the request that the information contained in the Document not be disclosed or divulged.

6. The Document contains information which is vital to a competitive advantage of ENC and would be helpful to competitors of ENC when competing with ENC.

7. The information contained in the Document is considered to be proprietary by ENC because it reveals certain distinguishing aspects of safety analysis methods which secure competitive economic advantage to ENC for fuel design optimization and improved marketability, and includes information utilized by ENC in its business which affords ENC an opportunity to obtain a competitive advantage over its competitors who do not or may not know or use the information contained in the Document.

8. The disclosure of the proprietary information contained in the Document to a competitor would permit the competitor to reduce its expenditure of money and manpower and to improve its competitive position by giving it extremely valuable insights into safety analysis methods, and would result in substantial harm to the competitive position of ENC.

9. The Document contains proprietary information which is held in confidence by ENC and is not available in public sources.

10. In accordance with ENC's policies governing the protection and control of information, proprietary information contained in the Document has been made available, on a limited basis, to others outside ENC only as required and under suitable agreement providing for non-disclosure and limited use of the information.

11. ENC policy requires that proprietary information be kept in a secured file or area and distributed on a need-to-know basis.

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12. This Document provides information which reveals safety analysis methods developed by ENC over the past several years. ENC has invested millions of dollars and many man-years of effort in developing the analysis methods revealed in the Document. Assuming a competitor had available the same background data and incentives as ENC, the competitor might, at a minimum, develop the information for the same expenditure of manpower and money as ENC.

13. Based on my experience in the industry, I do not believe that the background data and incentives of ENC's competitors are sufficiently similar to the corresponding background data and incentives of ENC to reasonably expect such competitors would be in a position to duplicate ENC's proprietary information contained in the Document.

THAT the statements made hereinabove are, to the best of my knowledge, information, and belief, truthful and complete.

FURTHER AFFIANT SAYETH NOT.

Richard B. Stout

SWORN TO AND SUBSCRIBED

before me this 4 day of  
JAN, 19 83.

Lickey Brown  
NOTARY PUBLIC



25.

