

April 10, 2006

Mr. B. F. Maurer, Acting Manager
Regulatory Compliance and Plant Licensing
Nuclear Services
Westinghouse Electric Company
P.O. Box 355
Pittsburgh, PA 15230-0355

SUBJECT: WESTINGHOUSE ELECTRIC COMPANY – REQUEST FOR WITHHOLDING
INFORMATION FROM PUBLIC DISCLOSURE FOR WOLF CREEK
GENERATING STATION (CAW-05-2084) (TAC NO. MD0197)

Dear Mr. Maurer:

By letter dated February 16, 2006, Westinghouse Electric Company (WEC) submitted an affidavit also dated February 16, 2006, executed by you, requesting that information designated proprietary in the topical report entitled, LTR-CDME-05-209-P, "Steam Generator Tube Alternate Repair Criteria for the Portion of the Tube Within the Tubesheet at the Wolf Creek Generating Station," dated January 2006, be withheld from public disclosure pursuant to Title 10 of the Code of *Federal Regulations* (10 CFR) Section 2.390. The topical report and the WEC letter were submitted to the Nuclear Regulatory Commission (NRC) in the license amendment request dated February 21, 2006, from the Wolf Creek Nuclear Operating Corporation for the Wolf Creek Generating Station.

A nonproprietary copy of the document has been placed in the NRC's Public Document Room and added to the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room (ADAMS Accession No. ML060600458).

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

- (i) The information sought to be withheld from public disclosure is owned and has been held in confidence by Westinghouse.
- (ii) The information is of a type customarily held in confidence by Westinghouse and not customarily disclosed to the public.
 - (a) The information reveals the distinguishing aspects of a process (or component, structure, tool, method, etc.) where prevention of its use by any of Westinghouse's competitors without license from Westinghouse constitutes a competitive economic advantage over other companies.
 - (c) Its use by a competitor would reduce his expenditure of resources or improve his competitive position in the design, manufacturer, shipment, installation, assurance of quality, or licensing a similar product.

- (e) It reveals aspects of past, present, or future Westinghouse or customer funded development plans and programs of potential commercial value to Westinghouse.

We have reviewed your application and the material, designated as proprietary in topical report LTR-CDME-05-209-P, in accordance with the requirements of 10 CFR 2.390 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 information marked as proprietary in topical report LTR-CDME-05-209-P will be withheld from public disclosure pursuant to 10 CFR 2.390(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) 415-1307.

Sincerely,

/RA/

Jack N. Donohew, Senior Project Manager
Plant Licensing Branch IV
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-482

cc: See next page

- (e) It reveals aspects of past, present, or future Westinghouse or customer funded development plans and programs of potential commercial value to Westinghouse.

We have reviewed your application and the material, designated as proprietary in topical report LTR-CDME-05-209-P, in accordance with the requirements of 10 CFR 2.390 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 information marked as proprietary in topical report LTR-CDME-05-209-P will be withheld from public disclosure pursuant to 10 CFR 2.390(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) 415-1307.

Sincerely,
/RA/
 Jack N. Donohew, Senior Project Manager
 Plant Licensing Branch IV
 Division of Operating Reactor Licensing
 Office of Nuclear Reactor Regulation

Docket No. 50-482

cc: See next page

DISTRIBUTION:

PUBLIC	RidsNrrPMJDonohew
LPLIV Reading	RidsNrrLALFeizollahi
RidsNrrDorl (CHaney/CHolden)	RidsOgcRp
RidsNrrDorlLplg (DTerao)	RidsAcrsAcnwMailCenter
RidsNrrDorlDpr	RidsNrrDciCsgb (AHiser)
RidsRgn4MailCenter (BJones)	

ADAMS ACCESSION NO.: ML060900157

NRR-084

OFFICE	LPL4/PM	LPL4/LA	CSGB/BC	LPL4/BC
NAME	JDonohew	LFeizollahi	AHiser	DTerao
DATE	4/04/06	4/04/06	4/05/06	4/10/06

Wolf Creek Generating Station

cc:

Jay Silberg, Esq.
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, NW
Washington, D.C. 20037

Regional Administrator, Region IV
U.S. Nuclear Regulatory Commission
611 Ryan Plaza Drive, Suite 400
Arlington, TX 76011

Senior Resident Inspector
U.S. Nuclear Regulatory Commission
P.O. Box 311
Burlington, KS 66839

Chief Engineer, Utilities Division
Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604-4027

Office of the Governor
State of Kansas
Topeka, KS 66612

Attorney General
120 S.W. 10th Avenue, 2nd Floor
Topeka, KS 66612-1597

County Clerk
Coffey County Courthouse
110 South 6th Street
Burlington, KS 66839

Chief, Radiation and
Asbestos Control Section
Kansas Department of Health
and Environment
Bureau of Air and Radiation
1000 SW Jackson, Suite 310
Topeka, KS 66612-1366

Vice President Operations/Plant Manager
Wolf Creek Nuclear Operating Corporation
P.O. Box 411
Burlington, KS 66839

Supervisor Licensing
Wolf Creek Nuclear Operating Corporation
P.O. Box 411
Burlington, KS 66839

U.S. Nuclear Regulatory Commission
Resident Inspectors Office/Callaway Plant
8201 NRC Road
Steedman, MO 65077-1032

Mr. Rick A. Muench
President and Chief Executive Officer
Wolf Creek Nuclear Operating Corporation
Post Office Box 411
Burlington, KS 66839

February 2006