November 8, 2007

Mr. Terry J. Garrett
Vice President Engineering
Wolf Creek Nuclear Operating Corporation
Post Office Box 411
Burlington, KS 66839

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE IN TOPICAL REPORT SUBMITTED APRIL 18, 2007, FOR THE WOLF CREEK GENERATING STATION (TAC NO. MD4839)

Dear Mr. Garrett:

By letter dated April 18, 2007 (ET 07-0008), Wolf Creek Nuclear Operating Corporation (WCNOC) submitted an affidavit dated April 18, 2007, executed by you, requesting that information designated proprietary in the topical report entitled "System Reliability Analysis for Advanced Logic System," Revision 1, dated April 10, 2007, be withheld from public disclosure pursuant to Title 10 of the Code of *Federal Regulations* (10 CFR), Part 2, Section 2.390. The topical report and the affidavit are Enclosures VII and VIII, respectively, to the letter dated April 18, 2007, from WCNOC to the Nuclear Regulatory Commission (NRC), for the Wolf Creek Generating Station.

WCNOC did not submit a non-proprietary version of the above topical report for placement in the NRC Public Document Room and for addition to the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room. In its letter dated April 18, 2007, WCNOC stated that only a proprietary version of the report was submitted because a non-proprietary version would be of no value to the public due the extent of the proprietary information in the report. Based on its review of the report, the NRC staff agrees with WCNOC and concludes that it is not practical to have a non-proprietary copy of the report when so few pages of the report, like the table of contents, and the list of acronyms and units of measurements, may be non-proprietary.

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

(a) The information reveals the distinguishing aspects of a process (or component, structure, tool, method, etc.) where prevention of its use by any other company without license from WCNOC constitutes a competitive economic advantage over other companies.

(b) It consists of supporting data, including test data, relative to a process (or component, structure, tool method, etc.), the application of which data secures a competitive economic advantage, e.g., by optimization or improved marketability.

(c) Its use by a another company would reduce its expenditure of resources or improve its competitive position in the design, assurance of quality, or licensing a similar product.

(d) It is not the property of WCNOC, but must be treated as proprietary by WCNOC according to agreements with the owners of the information.

In a conference call with WCNOC on August 30, 2007, WCNOC stated that the information in the topical report is owned by CS Innovations and has been classified as proprietary and been requested to be withheld from the public by CS Innovations in affidavits to NRC in WCNOC letters to NRC dated March 14 and April 18, 2007, on the use of the Advanced Logic System in the main steam and feedwater isolation system (MSFIS) modification at Wolf Creek Generating Station. The agreement that WCNOC has with CS Innovations to use the information requires that WCNOC treat the information as proprietary.

We have reviewed your application and the material designated as proprietary in topical report entitled "System Reliability Analysis for Advanced Logic System," Revision 1, dated April 10, 2007, in accordance with the requirements of 10 CFR 2.390 and, on the basis of your statements, have determined that the submitted report sought to be withheld contains proprietary commercial information and should be withheld from public disclosure. Therefore, this information 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.

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

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