

WOLF CREEK

NUCLEAR OPERATING CORPORATION

January 25, 2008

Terry J. Garrett
Vice President, Engineering

ET 08-0006

U. S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555

- Reference:
- 1) Letter ET 06-0004, dated February 21, 2006, from T. J. Garrett, WCNOG, to USNRC
 - 2) Letter dated June 27, 2006, from J. N. Donohew, USNRC, to R. A. Muench, WCNOG
 - 3) Letter WO 07-0012, dated May 3, 2007, from S. E. Hedges, WCNOG, to USNRC
 - 4) Letter ET 07-0043, dated September 27, 2007, from T. J. Garrett, WCNOG, to USNRC
- Subject: Docket No. 50-482: NRC Review of License Amendment Request to Revise the Steam Generator Program

Gentlemen:

Reference 1 provided Wolf Creek Nuclear Operating Corporation's (WCNOG) application to revise Technical Specification 5.5.9, "Steam Generator Tube Surveillance Program," to exclude portions of the tube below the top of the tubesheet in the Wolf Creek Generating Station (WCGS) steam generators from periodic steam generator tube inspections. Amendment No. 164 dated May 8, 2006, revised the title of TS 5.5.9 to "Steam Generator (SG) Program." Reference 2 provided a request for additional information (RAI) based on the NRC staff review of Reference 1. Reference 3 provided WCNOG's response to the RAI. Reference 4 provided WCNOG's response to a second RAI that was provided by electronic mail on June 22, 2007.

On November 28, 2007, WCNOG met with NRC to discuss six key issues identified as a result of the Staffs review of Reference 4. These key issues were provided to WCNOG by electronic mail on November 20, 2007. As a result of this meeting, an additional meeting was held with the Staff on December 13, 2007, to compare the results and differences of the specific analysis and calculations developed by Westinghouse Electric Company and a calculation developed by the Staff. During the December 13, 2007 meeting, slides containing proprietary information were utilized and provided to the Staff. This letter provides the slides on the docket, including a non-proprietary version with the associated affidavit for withholding.

Enclosure I provides the proprietary Westinghouse Electric Company LLC LTR-CDME-08-2, Rev. 1 P-Attachment, "Meeting Handouts from the December 13, 2007 Meeting with Wolf Creek and NRR on H*/B*." Enclosure II provides the non-proprietary Westinghouse Electric Company LLC LTR-CDME-08-2 Rev. 1 NP-Attachment, "Meeting Handouts from the December 13, 2007 Meeting with Wolf Creek and NRR on H*/B*." As Enclosure I contains information proprietary to Westinghouse Electric Company LLC, it is supported by an affidavit signed by Westinghouse Electric Company LLC, the owner of the information. The affidavit sets forth the basis on which the information may be withheld from public disclosure by the Commission and addresses with specificity the considerations listed in paragraph (b)(4) of 10 CFR 2.390 of the Commission's regulations. Accordingly, it is respectfully requested that the information, which is proprietary to Westinghouse, be withheld from public disclosure in accordance with 2.390 of the Commission's regulations. This affidavit, along with Westinghouse authorization letter, CAW-08-2370, "Application for Withholding Proprietary Information from Public Disclosure," is contained in Enclosure III. Correspondence with respect to the copyright or proprietary aspects of the items listed above or the supporting Westinghouse affidavit should reference CAW-08-2370 and should be address to J. A. Gresham, Manager, Regulatory Compliance and Plant Licensing, Westinghouse Electric Company, LLC, P.O. Box 355, Pittsburgh, Pennsylvania 15230-0355.

As a result of the December 13, 2007 meeting, the Staff indicated during a telecon on December 20 that it could not support approval of the permanent change to TS 5.5.9. With each RAI and at the December 13, 2007 meeting, we have been responsive by providing acceptable approaches and concepts which, we believe, meet the codified criteria to resolve the Staff issues. WCNOG was informed that the Staff would make a decision in 30 days regarding if additional information will be necessary or if the amendment request will be denied. Additionally, the Staff indicated that it would entertain an additional one-cycle interim alternate repair criteria. However, the interim alternate repair criteria would be different than the currently approved criteria in that it would require inspection and repair below 17 inches. WCNOG is working with the industry group to develop an amendment application for a one-cycle revised interim alternate repair criteria.

The industry has convened an expert panel reviewing key aspects of the H* analysis and providing input towards the resolution of the remaining technical issues for approval of a permanent alternate repair criteria. WCNOG supports the use of an expert panel.

This letter contains no commitments. If you have any questions concerning this matter, please contact me at (620) 364-4084, or Mr. Richard Flannigan at (620) 364-4117.

Sincerely,



Terry J. Garrett

- Enclosures
- I - Westinghouse Electric Company LLC LTR-CDME-08-2, Rev. 1 P-Attachment, "Meeting Handouts from the December 13, 2007 Meeting with Wolf Creek and NRR on H*/B**"
 - II - Westinghouse Electric Company LLC LTR-CDME-08-2, Rev. 1 NP-Attachment, "Meeting Handouts from the December 13, 2007 Meeting with Wolf Creek and NRR on H*/B**"
 - III - Westinghouse Electric Company LLC CAW-08-2370, "Application for Withholding Proprietary Information from Public Disclosure"

TJG/rlt

cc: E. E. Collins (NRC), w/e
J. N. Donohew (NRC), w/e
V. G. Gaddy (NRC), w/e
B. K. Singal (NRC), w/e
Senior Resident Inspector (NRC), w/e

Enclosure III to ET 08-0006

**Westinghouse Electric Company LLC LTR CAW-08-2370, "Application for Withholding
Proprietary Information from Public Disclosure"**



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Our ref: CAW-08-2370

January 11, 2008

APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE

Subject: LTR-CDME-08-2, Rev. 1, P-Attachment, "Meeting Handouts from the December 13, 2007 Meeting with Wolf Creek and NRR on H*/B*," dated January 11, 2008 (Proprietary)

The proprietary information for which withholding is being requested in the above-referenced report is further identified in Affidavit CAW-08-2370 signed by the owner of the proprietary information, Westinghouse Electric Company LLC. The affidavit, which accompanies this letter, sets forth the basis on which the information may be withheld from public disclosure by the Commission and addresses with specificity the considerations listed in paragraph (b)(4) of 10 CFR Section 2.390 of the Commission's regulations.

Accordingly, this letter authorizes the utilization of the accompanying affidavit by Wolf Creek Nuclear Operating Corporation (WCNOC).

Correspondence with respect to the proprietary aspects of the application for withholding or the Westinghouse affidavit should reference this letter, CAW-08-2370, and should be addressed to J. A. Gresham, Manager, Regulatory Compliance and Plant Licensing, Westinghouse Electric Company LLC, P.O. Box 355, Pittsburgh, Pennsylvania 15230-0355.

Very truly yours,

A handwritten signature in black ink that reads "J.A. Gresham".

J.A. Gresham, Manager
Regulatory Compliance and Plant Licensing

Enclosures

cc: Jon Thompson (NRC O-7E1A)

bcc: J. A. Gresham (ECE 4-7A), 1L
R. Bastien, 1L (Nivelles, Belgium)
C. Brinkman, 1L (Westinghouse Electric Co., 12300 Twinbrook Parkway, Suite 330, Rockville, MD 20852)
RCPL Administrative Aide (ECE 4-7A) 1L (letter and affidavit only)
G. W. Whiteman, Waltz Mill
H. O. Lagally, Waltz Mill
C. D. Cassino, Waltz Mill
P.J. McDonough, EC 561 C

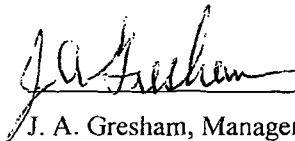
AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

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COUNTY OF ALLEGHENY:

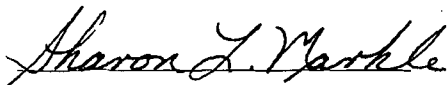
Before me, the undersigned authority, personally appeared J. A. Gresham, who, being by me duly sworn according to law, deposes and says that he is authorized to execute this Affidavit on behalf of Westinghouse Electric Company LLC (Westinghouse), and that the averments of fact set forth in this Affidavit are true and correct to the best of his knowledge, information, and belief:



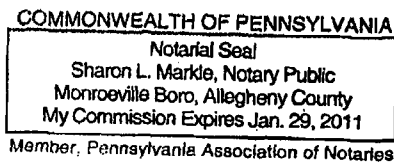
J. A. Gresham, Manager

Regulatory Compliance and Plant Licensing

Sworn to and subscribed before me
this 11th day of January, 2008



Notary Public



- (1) I am Manager, Regulatory Compliance and Plant Licensing, in Nuclear Services, Westinghouse Electric Company LLC (Westinghouse), and as such, I have been specifically delegated the function of reviewing the proprietary information sought to be withheld from public disclosure in connection with nuclear power plant licensing and rule making proceedings, and am authorized to apply for its withholding on behalf of Westinghouse.
- (2) I am making this Affidavit in conformance with the provisions of 10 CFR Section 2.390 of the Commission's regulations and in conjunction with the Westinghouse "Application for Withholding" accompanying this Affidavit.
- (3) I have personal knowledge of the criteria and procedures utilized by Westinghouse in designating information as a trade secret, privileged or as confidential commercial or financial information.
- (4) Pursuant to the provisions of paragraph (b)(4) of Section 2.390 of the Commission's regulations, the following is furnished for consideration by the Commission in determining whether the information sought to be withheld from public disclosure should be withheld.
 - (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. Westinghouse has a rational basis for determining the types of information customarily held in confidence by it and, in that connection, utilizes a system to determine when and whether to hold certain types of information in confidence. The application of that system and the substance of that system constitutes Westinghouse policy and provides the rational basis required.

Under that system, information is held in confidence if it falls in one or more of several types, the release of which might result in the loss of an existing or potential competitive advantage, as follows:

- (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.

- (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 competitor would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing a similar product.
- (d) It reveals cost or price information, production capacities, budget levels, or commercial strategies of Westinghouse, its customers or suppliers.
- (e) It reveals aspects of past, present, or future Westinghouse or customer funded development plans and programs of potential commercial value to Westinghouse.
- (f) It contains patentable ideas, for which patent protection may be desirable.

There are sound policy reasons behind the Westinghouse system which include the following:

- (a) The use of such information by Westinghouse gives Westinghouse a competitive advantage over its competitors. It is, therefore, withheld from disclosure to protect the Westinghouse competitive position.
- (b) It is information that is marketable in many ways. The extent to which such information is available to competitors diminishes the Westinghouse ability to sell products and services involving the use of the information.
- (c) Use by our competitor would put Westinghouse at a competitive disadvantage by reducing his expenditure of resources at our expense.
- (d) Each component of proprietary information pertinent to a particular competitive advantage is potentially as valuable as the total competitive advantage. If competitors acquire components of proprietary information, any one component may be the key to the entire puzzle, thereby depriving Westinghouse of a competitive advantage.

- (e) Unrestricted disclosure would jeopardize the position of prominence of Westinghouse in the world market, and thereby give a market advantage to the competition of those countries.
 - (f) The Westinghouse capacity to invest corporate assets in research and development depends upon the success in obtaining and maintaining a competitive advantage.
- (iii) The information is being transmitted to the Commission in confidence and, under the provisions of 10 CFR Section 2.390, it is to be received in confidence by the Commission.
- (iv) 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 our knowledge and belief.
- (v) The proprietary information sought to be withheld in this submittal is that which is appropriately marked in LTR-CDME-08-2, Rev. 1, P-Attachment, "Meeting Handouts from the December 13, 2007 Meeting with Wolf Creek and NRR on H*/B*," dated January 11, 2008 (Proprietary), for submittal to the Commission, being transmitted by Wolf Creek Nuclear Operating Corporation (WCNOC) Application for Withholding Proprietary Information from Public Disclosure to the Document Control Desk. The proprietary information as submitted for use by Westinghouse for the Wolf Creek Generating Station is expected to be applicable to other licensee submittals in support of implementing a limited inspection of the tube joint within the tubesheet region of the steam generators.

This information is part of that which will enable Westinghouse to:

- (a) Provide documentation of the analyses, methods, and testing for the implementation of an alternate repair criteria for the portion of the tubes within the tubesheet of the Wolf Creek Generating Station steam generators.
- (b) Assist the customer in obtaining NRC approval of the Technical Specification changes associated with the alternate repair criteria.

Further this information has substantial commercial value as follows:

- (a) Westinghouse plans to sell the use of similar information to its customers for the purposes of meeting NRC requirements for licensing documentation.
- (b) Westinghouse can sell support and defense of the technology to its customers in the licensing process.

Public disclosure of this proprietary information is likely to cause substantial harm to the competitive position of Westinghouse because it would enhance the ability of competitors to provide similar calculation, evaluation and licensing defense services for commercial power reactors without commensurate expenses. Also, public disclosure of the information would 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 Westinghouse effort and the expenditure of a considerable sum of money.

In order for competitors of Westinghouse to duplicate this information, similar technical programs would have to be performed and a significant manpower effort, having the requisite talent and experience, would have to be expended.

Further the deponent sayeth not.

PROPRIETARY INFORMATION NOTICE

Transmitted herewith are proprietary and/or non-proprietary versions of documents furnished to the NRC in connection with requests for generic and/or plant-specific review and approval.

In order to conform to the requirements of 10 CFR 2.390 of the Commission's regulations concerning the protection of proprietary information so submitted to the NRC, the information which is proprietary in the proprietary versions is contained within brackets, and where the proprietary information has been deleted in the non-proprietary versions, only the brackets remain (the information that was contained within the brackets in the proprietary versions having been deleted). The justification for claiming the information so designated as proprietary is indicated in both versions by means of lower case letters (a) through (f) located as a superscript immediately following the brackets enclosing each item of information being identified as proprietary or in the margin opposite such information. These lower case letters refer to the types of information Westinghouse customarily holds in confidence identified in Sections (4)(ii)(a) through (4)(ii)(f) of the affidavit accompanying this transmittal pursuant to 10 CFR 2.390(b)(1).

COPYRIGHT NOTICE

The reports transmitted herewith each bear a Westinghouse copyright notice. The NRC is permitted to make the number of copies of the information contained in these reports which are necessary for its internal use in connection with generic and plant-specific reviews and approvals as well as the issuance, denial, amendment, transfer, renewal, modification, suspension, revocation, or violation of a license, permit, order, or regulation subject to the requirements of 10 CFR 2.390 regarding restrictions on public disclosure to the extent such information has been identified as proprietary by Westinghouse, copyright protection notwithstanding. With respect to the non-proprietary versions of these reports, the NRC is permitted to make the number of copies beyond those necessary for its internal use which are necessary in order to have one copy available for public viewing in the appropriate docket files in the public document room in Washington, DC and in local public document rooms as may be required by NRC regulations if the number of copies submitted is insufficient for this purpose. Copies made by the NRC must include the copyright notice in all instances and the proprietary notice if the original was identified as proprietary.