

February 27, 2008

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

SUBJECT: WOLF CREEK GENERATING STATION - REQUEST FOR WITHHOLDING  
INFORMATION FROM PUBLIC DISCLOSURE (TAC NO. MD8054)

Dear Mr. Muench:

By letter dated February 8, 2008 (ET 08-0009), Wolf Creek Nuclear Operating Corporation (WCNOC, the licensee), submitted an affidavit dated February 1, 2008, executed by J. A. Gresham, Westinghouse Electric Company LLC, requesting that the information contained in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 390:

LTR-CDME-08-11-P-Attachment, "Interim Alternate Repair Criterion (ARC) for Cracks in the Lower Region of the Tubesheet Expansion Zone," (Proprietary), dated January 31, 2008, which is Enclosure II to WCNOC's February 8, 2008, letter

A nonproprietary copy of the document (designated LTR-CDME-08-11-NP-Attachment), which is Enclosure II to the WCNOC's February 8, 2008, letter, 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 under ADAMS Accession No. ML080440100.

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

Under that system, information is held in confidence if it falls in 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.
- (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.

We have reviewed your application and the material 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 version of the submitted information marked as proprietary 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  
J. A. Gresham

information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure. Therefore, the version of the submitted information marked as proprietary 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  
J. A. Gresham

DISTRIBUTION:

PUBLIC  
LPL4 Reading  
RidsNrrDorlLpl4  
RidsNrrPMJDonohew  
RidsNrrLAJBurkhardt

RidsOgcMailCenter  
RidsAcrsAcnwMailCenter  
RidsRgn4MailCenter  
RidsNrrDciCsgb  
EMurphy, NRR/DCI/CSGB

**ADAMS Accession No.: ML080450015**

**NRR-084**

OFFICE	LPL4/PM	LPL4/LA	DCI/CSGB/BC	LPL4/BC
NAME	JDonohew	JBurkhardt	AHiser	THiltz
DATE	2/21/08	2/21/08	2/26/08	2/27/08

**OFFICIAL RECORD COPY**

Wolf Creek Generating Station

(2/2006)

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  
Stedman, MO 65077-1032

J.A. Gresham, Manager  
Regulatory Compliance and Plant Licensing  
Westinghouse Electric Company  
Nuclear Services  
P.O. Box 355  
Pittsburgh, PA 15230-0355