

February 29, 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. MD4840)

Dear Mr. Muench:

By letter dated January 18, 2008 (ET 08-0005), Wolf Creek Nuclear Operating Corporation (WCNOC, the licensee), submitted an affidavit dated January 7, 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-LIS-07-898-P-Attachment, "Response to Second Round NRC Request for Additional Information on the Wolf Creek Small Break LOCA [Loss of Coolant Accident] Analysis," (Proprietary), which is Enclosure III to WCNOC's January 18, 2008, letter

A nonproprietary copy of the document (designated LTR-LIS-07-898-NP-Attachment), which is Enclosure II to the WCNOC's January 18, 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. ML080250061.

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

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Jack N. Donohew, Senior Project Manager
Plant Licensing Branch IV
Division of Operating Reactor Licensing
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J. A. Gresham

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NRR-084

OFFICE	LPL4/PM	LPL4/LA	DSS/SNPB BC	LPL4/BC
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Wolf Creek Generating Station

(2/2006)

cc:

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