

WOLF CREEK

NUCLEAR OPERATING CORPORATION

Terry J. Garrett
Vice President, Engineering

March 14, 2008
ET 08-0017

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

- Reference:
- 1) Letter ET 07-0004, dated March 14, 2007, from T. J. Garrett, WCNOG, to USNRC
 - 2) Letter ET 08-0004, dated January 18, 2008, from T. J. Garrett, WCNOG, to USNRC
 - 3) Letter dated December 7, 2007, from J. N. Donohew, USNRC, to R. A. Muench, WCNOG
- Subject: Docket No. 50-482: Additional Information Regarding Main Steam and Feedwater Isolation System (MSFIS) Controls Modification

Gentlemen:

Reference 1 provided a license amendment request that proposed revisions to Technical Specification (TS) 3.3.2, "Engineered Safety Feature Actuation System (ESFAS) Instrumentation," TS 3.7.2, "Main Steam Isolation Valves (MSIVs)," and TS 3.7.3, "Main Feedwater Isolation Valves (MFIVs)." Reference 1 proposed changes to these specifications based on a planned modification to replace the MSIVs and associated actuators, MFIVs and associated actuators, and replacement of the Main Steam and Feedwater Isolation System (MSFIS) controls.

Reference 2 provided a table identifying additional/revised documentation to be submitted associated with the modification to the MSFIS Controls and indicated that the Operations and Maintenance Manual for the MSFIS controls would be submitted by March 15, 2008. Enclosure 1 provides the Operations and Maintenance Manual.

Reference 2 also indicated that to address question 11 provided in Reference 3, WCNOG would conduct additional electromagnetic compatibility (EMC) tests and the results of the testing would be provided by March 15, 2008. CS Innovations had arranged for the additional EMC tests to be performed at a local testing facility. Delays by the local testing facility and the subsequent determination that they were not able to conduct the necessary testing has resulted in pursuing testing at a different facility and the testing will not be completed by March 15, 2008. The additional EMC testing will be completed by June 25, 2008.

ADD
KRR

Enclosure I provides the proprietary CS Innovations LLC document 6101-00007, "MSFIS Instruction, Operating & Maintenance Manual." As Enclosure I contains information proprietary to CS Innovations LLC, it is supported by an affidavit signed by CS Innovations LLC, the owner of the information. The affidavits 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 CS Innovations, be withheld from public disclosure in accordance with 10 CFR 2.390 of the Commission's regulations. The affidavits, along with a CS Innovations LLC authorization letter, 91000-00021, "Application for Withholding Proprietary Information from Public Disclosure," is contained in Enclosure II.

WCNOC is providing only proprietary versions of Enclosure I as a non-proprietary version would be of no value to the public due to the extent of the proprietary information.

The documentation provided in the Enclosures does not impact the conclusions of the No Significant Hazards Consideration provided in Reference 1. In accordance with 10 CFR 50.91, a copy of the submittal is being provided to the designated Kansas State official.

If you have any questions concerning this matter, please contact me at (620) 364-4084, or Mr. Richard D. Flannigan at (620) 364-4117.

Sincerely,



Terry J. Garrett

TJG/rit

Attachment	I	List of Regulatory Commitments
Enclosure	I	CS Innovations 6101-00007, "MSFIS Instruction, Operating & Maintenance Manual."
	II	CS Innovations Letter 9100-00021, "Application for Withholding Proprietary Information from Public Disclosure"

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

STATE OF KANSAS)
) SS
COUNTY OF COFFEY)

Terry J. Garrett, of lawful age, being first duly sworn upon oath says that he is Vice President Engineering of Wolf Creek Nuclear Operating Corporation; that he has read the foregoing document and knows the contents thereof; that he has executed the same for and on behalf of said Corporation with full power and authority to do so; and that the facts therein stated are true and correct to the best of his knowledge, information and belief.

By 
Terry J. Garrett
Vice President Engineering

SUBSCRIBED and sworn to before me this 14th day of March, 2008.


Notary Public



Expiration Date 7/24/2011

LIST OF REGULATORY COMMITMENTS

The following table identifies those actions committed to by WCNOC in this document. Any other statements in this submittal are provided for information purposes and are not considered to be commitments. Please direct questions regarding these commitments to Mr. Richard Flannigan at (620) 364-4117.

COMMITMENT	Due Date/Event
CS Innovations had arranged for the additional EMC tests to be performed at a local testing facility. Delays by the local testing facility and the subsequent determination that they were not able to conduct the necessary testing has resulted in pursuing testing at a different facility and the testing will not be completed by March 15, 2008. The additional EMC testing will be completed by June 25, 2008.	June 25, 2008

Enclosure II to ET 08-0017

**CS Innovations Letter 9100-00021, "Application for Withholding Proprietary Information
from Public Disclosure"**



CS INNOVATIONS LLC

CS INNOVATIONS
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U.S. Nuclear Regulatory Commission
Document Control Desk
Washington, DC 20555-0001

Our ref: 9100-00021
March 13, 2008

APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE

Subject: **6101-00007, "MSFIS Instruction, Operating & Maintenance Manual"
dated March 13, 2008**
(CS Innovations LLC 2008 Confidential and Proprietary)

The proprietary information for which withholding is being requested in the above referenced report is further identified in Affidavit 9100-00020 signed by the owner of the proprietary information, CS Innovations 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 the Wolf Creek Nuclear Operating Corporation.

Correspondence with respect to the proprietary aspects of the application for withholding or the CSI affidavit should reference this letter, 9100-00021, and should be addressed to Steen D. Sorensen, President & CEO, CS Innovations LLC, 9150 E. Del Camino, Suite 110, Scottsdale, AZ, 85256.

Very truly yours,

Steen D. Sorensen
President & CEO

AFFIDAVIT

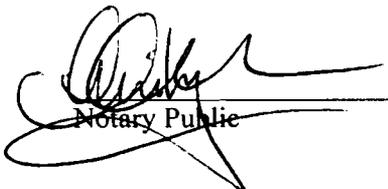
State of Arizona
County of Maricopa

Before me, the undersigned authority, personally appeared Steen D. Sorensen, who, being by me duly sworn according to law, deposes and says that he is authorized to execute this Affidavit on behalf of CS Innovations LLC (CSI), and that the averments of fact set forth in this Affidavit are true and correct to the best of his knowledge, information, and belief:

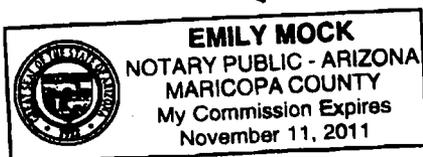


Steen D. Sorensen, President & CEO

Sworn to and subscribed
before me this 13th day
of March, 2008



Notary Public



- (1) I am President & CEO, CS Innovations LLC (CSI), 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 CSI.
- (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 CSI "Application for Withholding" accompanying this Affidavit.
- (3) I have personal knowledge of the criteria and procedures utilized by CSI 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 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 been held in confidence by CSI.
 - (ii) The information is of a type customarily held in confidence by CSI and not customarily disclosure to the public. CSI has a rational basis for determining the types of information customarily held in confidence by it and, in that connection, utilizes a system to determining when and whether to hold certain types of information in confidence. The application of that system and substance of that system constitutes CSI 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 CSI's competitors without license from CSI 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 costs or price information, production capacities, budget levels, or commercial strategies of CSI, its customers or suppliers.
- (e) It reveals aspects of past, present, or future CSI or customer funded development plans and programs of potential commercial value to CSI.
- (f) It contains patentable ideas, for which patent protection may be desirable.

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

- (a) The use of such information by CSI gives CSI a competitive advantage over its competitors. It is, therefore, withheld from disclosure to protect the CSI competitive position.
 - (b) It is information that is marketable in many ways. The extent to which such information is available to competitors diminishes the CSI ability to sell products and services involving the use of the information.
 - (c) Use by our competitor would put CSI 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 CSI of a competitive advantage.
 - (e) The CSI 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 6101-00007, "MSFIS Instruction, Operating & Maintenance Manual" dated March 13, 2008 (CS Innovations LLC 2008 Confidential and Proprietary). The information is provided in support of a submittal to the Commission, being transmitted by the Wolf Creek Nuclear Operating Corporation and Application for Withholding Proprietary Information from Public Disclosure, to the Document Control Desk.

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

- (a) Provide a replacement MSFIS Controls for Wolf Creek Generating Station.

Further this information has substantial commercial value as follows:

- (a) The information requested to be withheld reveals the distinguishing aspects of a methodology which was developed by CSI.

Public disclosure of this proprietary information is likely to cause substantial harm to the competitive position of CSI.

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 CSI effort and the expenditure of a considerable sum of money.

In order for competitors of CSI 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.