WOLF CREEK
NUCLEAR OPERATING CORPORATION

Warren B. Wood
General Counsel/Secretary

July 31, 2008
GC 08-0024

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, WCNOC, to USNRC

2) Letter ET 08-0014, dated February 28, 2008, from T. J. Garrett, WCNOC, to USNRC

Subject: Docket No. 50-482: Resubmittal of 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 proprietary versions of the following CS Innovations documents:

- CS Innovations Report 6101-00200, "MSFIS V & V Report," Rev. 2 (Enclosure II)
- CS Innovations Report 6002-00002, "ALS Configuration Management Plan," Rev. 1 (Enclosure V)
- CS Innovations Report 6002-00001, "ALS Quality Assurance Plan, Rev. 1 (Enclosure VIII)

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In subsequent discussions with the NRC Project Manager, it was determined that the basis for providing only proprietary versions of the above documents would not be accepted. WCNOC agreed to provide proprietary and non-proprietary versions of the documents. Enclosures I and II provide the proprietary and non-proprietary CS Innovations ALS Configuration Management Plan. These documents supersede Enclosure V of Reference 2. Enclosures III and IV provide the proprietary and non-proprietary CS Innovations ALS Quality Assurance Plan. These documents supersede Enclosure VIII of Reference 2. Enclosures V and VI provide the proprietary and non-proprietary CS Innovations MSFIS V & V Report. These documents supersede Enclosure II of Reference 2.

During a site visit at CS Innovations by the NRC technical reviewer, the reviewer requested that non-proprietary information be provided for the Advanced Logic System (ALS) Level 1 system. Enclosure VIII provides the non-proprietary CS Innovations Report 6002-00026, "ALS Platform Overview."

Enclosures I, III, and V provide proprietary CS Innovations LLC documents. As Enclosures I, III, and V contain information proprietary to CS Innovations LLC, it is supported by an affidavit signed by CS Innovations 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 CS Innovations, be withheld from public disclosure in accordance with 10 CFR 2.390 of the Commission's regulations. The affidavit, along with a CS Innovations LLC authorization letter, 9100-00023 "Application for Withholding Proprietary Information from Public Disclosure," is contained in Enclosure VII.

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.

This letter contains no commitments. If you have any questions concerning this matter, please contact me at (620) 364-4005, or Mr. Richard D. Flannigan at (620) 364-4117.

Sincerely,

Warren B. Wood

Warren B. Wood

WBW/rlt

Enclosure

I CS Innovations Report 6002-00002, "ALS Configuration Management Plan," Rev. 2, Proprietary

II CS Innovations Report 6002-00002, "ALS Configuration Management Plan," Rev. 2, Non-proprietary

III CS Innovations Report 6002-00001, "ALS Quality Assurance Plan, Rev. 2, Proprietary

IV CS Innovations Report 6002-00001, "ALS Quality Assurance Plan, Rev. 2, Non-proprietary

V CS Innovations Report 6101-00200, "MSFIS V & V Report," Rev. 3, Proprietary

VI CS Innovations Report 6101-00200, "MSFIS V & V Report," Rev. 3, Non-proprietary

VII CS Innovations Letter 9100-00023, "Application for Withholding Proprietary Information from Public Disclosure"

VIII CS Innovations Report 6002-00026, "ALS Platform Overview," Rev. 1

cc: E. E. Collins (NRC), w/e
T. A. Conley (KDHE), w/e (non-proprietary versions)
V. G. Gaddy (NRC), w/e
B. K. Singal (NRC), w/e
Senior Resident Inspector (NRC), w/e

STATE OF KANSAS)
) SS
COUNTY OF COFFEY)

Warren B. Wood, of lawful age, being first duly sworn upon oath says that he is General Counsel/Secretary 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 Warren B. Wood
Warren B. Wood
General Counsel/Secretary

SUBSCRIBED and sworn to before me this 31 day of July, 2008.

Cindy Novinger
Notary Public

NOTARY PUBLIC STATE OF KANSAS | CINDY NOVINGER My Appt. Exp. 7/8/2010

Expiration Date 7/8/2010

Enclosure VII to GC 08-0024

CS Innovations Letter 9100-00023, "Application for Withholding Proprietary Information from Public Disclosure"

Ref: 9100-00023

CS INNOVATIONS LLC

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

Our ref: 9100-00023
July 29, 2008

APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE

Subject: **6002-00001 – "ALS QA Plan" dated July 28, 2008,**
6002-00002 – "ALS CM Plan" dated July 28, 2008 and
6101-00200 – "MSFIS V&V Report" dated July 21, 2008
(Proprietary)

The proprietary information for which withholding is being requested in the above referenced report is further identified in Affidavit 9100-00022 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, 9100-00023, and should be addressed to Steen D. Sorensen, President & CEO, CS Innovations LLC, 9150 E. Del Camino, Suite 110, Scottsdale, AZ, 85258.

Very truly yours,

Steen D. Sorensen
President & CEO

Ref: 9100-00022

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 29 day
of July, 2008

Notary Public

EMILY MOCK
NOTARY PUBLIC - ARIZONA
MARICOPA COUNTY
My Commission Expires
November 11, 2011

(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 6002-00001 – "ALS QA Plan" dated July 28, 2008, 6002-00002 – "ALS CM Plan" dated July 28, 2008 and 6101-00200 – "MSFIS V&V Report" dated July 21, 2008 (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.