



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

February 9, 2009

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

SUBJECT: WOLF CREEK GENERATING STATION – REQUEST FOR WITHHOLDING
INFORMATION FROM PUBLIC DISCLOSURE (TAC NO. MD4839)

Dear Mr. Muench:

By letter dated January 16, 2009, Wolf Creek Nuclear Operating Corporation (WCNOC) submitted an affidavit dated January 16, 2009, executed by Steen D. Sorensen, President and CEO, CS Innovations LLC (CSI), requesting that information designated proprietary in the following documents be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

- 6002-00003, "ALS [Advanced Logic System] VV [Verification and Validation] Plan," Revision 1, dated January 5, 2009
- 6002-00031, "ALS Diversity Analysis," Revision 0, dated January 13, 2009
- 6101-00200, "MSFIS V [Verification] & V [Validation] Report," Revision 4, dated January 16, 2009
- 6002-00010, "ALS Platform Requirements Specification," Revision 2, dated January 15, 2009
- 6002-00011, "ALS Platform Specification," Revision 2, dated January 14, 2009
- 6002-10101, "ALS-101 Requirements Specification," Revision 1, dated January 15, 2009
- 6002-10102, "ALS-101 Hardware Specification," Revision 1, dated January 15, 2009
- 6002-20101, "ALS-201 Requirements Specification," Revision 1, dated January 15, 2009
- 6002-20102, "ALS-201 Hardware Specification," Revision 1, dated January 15, 2009
- 6002-30101, "ALS-301 Requirements Specification," Revision 1, dated January 15, 2009
- 6002-30102, "ALS-301 Hardware Specification," Revision 1, dated January 15, 2009
- 6002-40101, "ALS-401 Requirements Specification," Revision 1, dated January 15, 2009
- 6002-40102, "ALS-401 Hardware Specification," Revision 1, dated January 15, 2009

- 6002-41101, "ALS-411 Requirements Specification," Revision 1, dated January 15, 2009
- 6002-41102, "ALS-411 Hardware Specification," Revision 1, dated January 15, 2009
- 6002-90501, "ALS-905 Requirements Specification," Revision 1, dated January 15, 2009
- 6002-90502, "ALS-905 Hardware Specification," Revision 0, dated December 9, 2008
- 6002-00004, "ALS EQ [Environmental Qualification] Plan," Revision 1, dated January 13, 2009
- 6002-00206, "NTS [National Technical Systems] Temperature Test Report," Revision 0, dated January 16, 2009
- 6002-00207, "CSI ESD [Electrostatic Discharge] Test Report," Revision 0, dated January 16, 2009
- 6002-00208, "CSI Isolation Test Report," Revision 0, Dated January 16, 2009
- 9006-00008, "Return for Material Repair Procedure," Revision 0, dated January 15, 2009

The proprietary versions of the documents and the CSI affidavit are Enclosures IV, V, VI, and IX through XXVIII, respectively, to the letter dated January 16, 2009 (WM 09-0001), from WCNOG to the U.S. Nuclear Regulatory Commission (NRC), for the Wolf Creek Generating Station.

Non-proprietary version for report 6101-00200, "MSFIS V&V Report," Revision 4 was also provided as Enclosure VII to the above WCNOG letter dated January 16, 2009. This non-proprietary version of the report has been placed in the NRC Public Document Room and for addition to the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room.

Non-proprietary versions of the rest of the documents were not submitted for placement in the NRC Public Document Room and the ADAMS Public Electronic Reading Room. In its letter dated January 16, 2009, WCNOG stated that only proprietary versions of the reports were submitted because non-proprietary versions would be of no value to the public due the extent of the proprietary information in these reports. Based on its review of these reports (Enclosures IV, V, VI, and IX through XXVII), the NRC staff agrees with WCNOG and concludes that it is not practical to have a non-proprietary copy of the reports when so few pages of the reports, like the table of contents, and the list of acronyms and units of measurements, may be non-proprietary.

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

- (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.
- (e) It reveals aspects of past, present, or future CSI or customer funded development plans and programs of potential commercial value to CSI.

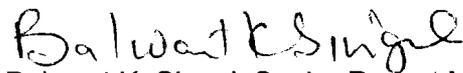
The NRC staff has reviewed your application and the material designated as proprietary in the above listed reports in accordance with the requirements of 10 CFR 2.390 and, on the basis of your statements and determined that the submitted reports sought to be withheld contain proprietary commercial information and should be withheld from public disclosure. Therefore, this information 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) 415-3016.

Sincerely,



Balwant K. Singal, Senior Project Manager
Plant Licensing Branch IV
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-482

cc: Distribution via Listserv

R. Muench

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/RA/

Balwant K. Singal, Senior Project Manager
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