



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

October 16, 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. ME1393)

Dear Mr. Muench:

By letter dated June 2, 2009 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML091590172), Wolf Creek Nuclear Operating Corporation (WCNOC) submitted an affidavit dated May 4, 2009, executed by J. A. Gresham, Manager, Regulatory Compliance and Plant Licensing, Westinghouse Electric Company LLC (Westinghouse), requesting that information designated proprietary in the following document be withheld from public disclosure pursuant to paragraph (a)(4) of Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

- WCAP-17071-P, Revision 0, "H*: Alternate Repair Criteria for the Tubesheet Expansion Region in Steam Generators with Hydraulically Expanded Tubes (Model F)," April 2009

The proprietary version of the document and the Westinghouse affidavit are Enclosures I and III, respectively, to the letter dated June 2, 2009, from WCNOC to the U.S. Nuclear Regulatory Commission (NRC), for the Wolf Creek Generating Station.

A non-proprietary copy of the document, provided as Enclosure II to the letter dated June 2, 2009, has been placed in the NRC's Public Document Room and added to the ADAMS Public Electronic Reading Room (ADAMS Accession No. ML091590167).

The licensee 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 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.

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

By letter dated August 18, 2009 (ADAMS Accession No. ML092100634), the NRC staff requested clarification regarding how certain information met the considerations of 10 CFR 2.390(b)(4) so that the NRC staff could make the required determination under 10 CFR 2.390(b). By letter dated September 3, 2009 (ADAMS Accession Nos. ML092790333 and ML092790334 for non-proprietary and proprietary versions, respectively), the licensee provided a response to the NRC staff request and the corrected pages for the subject report.

We have reviewed your two submittals, identified above, in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavit, have determined that the information sought to be withheld in the two submittals, when the two submittals are considered together, contains proprietary commercial information and should be withheld from public disclosure.

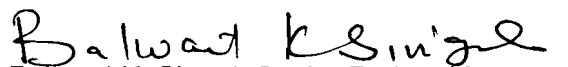
Therefore, the versions of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

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) 415-3016.

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

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