

WOLF CREEK

NUCLEAR OPERATING CORPORATION

Forrest T. Rhodes
Vice President
Engineering & Technical Services

March 11, 1992

ET 92-0032

U. S. Nuclear Regulatory Commission
ATTN: Document Control Dept.
Mail Station P1-137
Washington, D. C. 20555

Subject: Docket No. 50-482: Reload Safety Evaluation Methodology
Topical Report

Gentlemen:

The purpose of this letter is to submit Wolf Creek Nuclear Operating Corporation's (WCNOC) Reload Safety Evaluation Methodology topical report for Nuclear Regulatory Commission (NRC) review and approval. This submittal was discussed at a meeting between the NRC staff and WCNOC on January 28, 1991. The topical report is being provided as an attachment to this letter. It is requested that the NRC complete its review and approve the attached topical by February 1, 1993.

In accordance with the provisions of 10 CFR 2.790, it is respectfully requested that the attachment to this letter be regarded as proprietary information and be withheld from public disclosure on the grounds that it contains trade secrets and confidential commercial information. The affidavit, which accompanies this letter, sets forth the basis by which this information should be withheld from public disclosure by the Commission and addressees.

The attachment to this letter in its entirety should be regarded as proprietary information until the NRC review is complete, at which time WCNOC will indicate the specific portions within the report which are proprietary.

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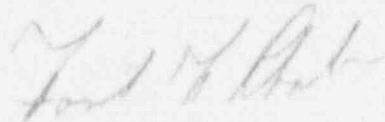
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If you have any questions concerning this matter, please contact me or Mr. S. G. Wideman of my staff.

Very truly yours,



Forrest T. Rhodes
Vice President
Engineering & Technical Services

FTR/aem

Attachment

cc: A. T. Howell (NRC), w/a
R. D. Martin (NRC), w/a
G. A. Pick (NRC), w/a
W. D. Rockley (NRC), w/a

AFFIDAVIT

STATE OF KANSAS)
) SS
COUNTY OF COFFEY)

Before me, the undersigned authority, personally appeared Forrest J. Rhodes, who, being by me duly sworn according to law, deposes and says:

(1) I am Vice President Engineering and Technical Services for the Wolf Creek Nuclear Operating Corporation (WCNOC), and I have been specifically delegated the function of reviewing the proprietary information sought to be withheld from public disclosure in WCNOC's Submittal of Reload Safety Evaluation Methodology for the Wolf Creek Generating Station topical report, and am authorized to apply for its withholding on behalf of WCNOC.

I am making this Affidavit in conformance with the provisions of 10 CFR Section 2.790 of the Commission's regulations and in conjunction with WCNOC letter ET 92-0032 for Reload Safety Evaluation Methodology for the Wolf Creek Generating Station topical report submittal accompanying this affidavit.

(3) I have personal knowledge of the criteria and procedures utilized by WCNOC in designating information as a trade secret, privileged or as confidential commercial.

(4) Pursuant to the provisions of paragraph (b)(4) of Section 2.790 of the Commission's regulations, the following is furnished for consideration by the Commission in determining whether the information sought to be withheld from public disclosure should be withheld.

(i) The information sought to be withheld from public disclosure has been held in confidence by WCNOC. The information is of a type customarily held in confidence by other organizations and not customarily disclosed to the public.

Based on a review of 10 CFR 2.790, the information to be held in confidence 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 a method, where prevention of its use by any other company without license from WCNOG constitutes a competitive economic advantage over other companies.
- (b) It consists of supporting data relative to a process or a method, the application of which secures a competitive advantage.
- (c) Its use by another company would reduce its expenditure of resources or improve its competitive position in the design, assurance of quality, or licensing a similar product.
- (d) It is not the property of WCNOG, but must be treated as proprietary by WCNOG according to agreements with the owners of the information.

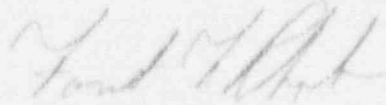
There are sound reasons behind the WCNOG position which include the following:

- (a) It is information which is marketable in many ways.
 - (b) Use by other companies would put WCNOG at a competitive disadvantage by reducing their expenditure of resources at our expense.
 - (c) 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 WCNOG of a competitive advantage.
- (ii) The information is being transmitted to the Commission in confidence and, under the provisions of 10 CFR Section 2.790, it is to be received in confidence by the Commission.
 - (iii) The information sought to be protected is not available in public sources to the best of our knowledge and belief.
 - (iv) The proprietary information sought to be withheld in this submittal is the Reload Safety Evaluation Methodology for Wolf Creek Generating Station topical report, dated January, 1992.

The subject information could only be duplicated by competitors if they were to invest time and effort equivalent to that invested by WCNOG provided they have the requisite talent and experience.


Public disclosure of this information is likely to cause substantial harm to the competitive position of WCNOG because it would simplify design and evaluation tasks without requiring a commensurate investment of time and effort.

- (5) The above statements are true and correct to the best of my knowledge, information and belief.



Forrest T. Rhodes
Vice President
Engineering & Technical Services

SUBSCRIBED and sworn to before me this 11 day of March, 1992.


Notary Public

My Commission Expires: 8-4-94

