

WOLF CREEK

NUCLEAR OPERATING CORPORATION

Richard A. Muench
Vice President Engineering

NOV 20 1998

ET 98-0092

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

- References:
- 1) Letter ET 98-0009, dated March 20, 1998, from R. A. Muench, WCNOG to USNRC
 - 2) Letter ET 98-0041, dated May 28, 1998, from R. A. Muench to USNRC
 - 3) Letter ET 98-0048, dated June 30, 1998, from R. A. Muench to USNRC
 - 4) Letter ET 98-0070, dated August 28, 1998, from R. A. Muench to USNRC
 - 5) Letter ET 98-0077, dated September 4, 1998, from R. A. Muench to USNRC
 - 6) October 14-15, 1998, Callaway/Wolf Creek/NRC Meeting on Proposed Spent Fuel Pool Re-rack Technical Specification Changes

Subject: Docket No. 50-482: Response to Request for Additional Information (RAI) Related to Proposed Revision to Increase the Spent Fuel Pool Storage Capacity

Gentlemen:

During the October 14 and 15, 1998, joint meeting between the NRC, Union Electric Company, and Wolf Creek Nuclear Operating Corporation regarding the proposed spent fuel pool re-rack license amendment request (Reference 6), thirty-two of the initial thirty-eight discussion topics were satisfactorily resolved with no further action needed. Additional information was requested by the NRC Staff on six of the discussion topics. Enclosed in this letter is Wolf Creek Nuclear Operating Corporation's (WCNOG) response to the NRC request for additional information (RAI) on these six topics.

Certain material in this response is considered to be proprietary to Holtec International. The information in Attachments A, C, D, and E to the enclosure should be withheld from public disclosure under the provisions of 10 CFR 2.790. Accordingly, Attachment I contains an affidavit, pursuant to 10 CFR 2.790, that requests that the identified information be withheld from public disclosure.

9811250065 981120
PDR ADOCK 05000482
P PDR

Change Ctr Enc
PDR 1 1 w/prop.
P.O. Box 411 / Burlington, KS 66839 / Phone: (316) 364-8831
An Equal Opportunity Employer M/F/H/V

Prior to the October 1998 meeting, Reference 1 provided the original submittal of an amendment request to revise the Wolf Creek Generating Station (WCGS) Technical Specifications to support a modification to increase the spent fuel pool capacity at WCGS. Reference 2 transmitted revisions to the original submittal to reflect a re-assessment of the proprietary classification of proprietary versus non-proprietary material. References 3 and 4 provided WCNO's response to Requests for Additional Information dated June 4, 1998, and July 23, 1998.

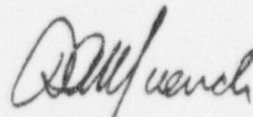
Reference 5 provided WCNO's response to an RAI dated July 31, 1998. In this response, WCNO summarized the methodology used to perform the criticality analysis for the WCGS new fuel storage facility to allow storage of new fuel with a nominal initial enrichment of 5.0 wt % U-235. WCNO has completed its review of the criticality analysis, and has confirmed that the new fuel storage facility can safely accept and store new (fresh) fuel with an initial enrichment of 5.0 ± 0.05 wt % U-235.

As discussed in Reference 5, the current WCGS Technical Specifications do not contain a requirement concerning enrichment of new fuel stored in the new fuel storage facility. Improved Technical Specification (ITS) Section 4.3.1.2.a incorporates a new fuel enrichment limit for the storage facility. Attachment III to this letter is a mark-up of ITS Section 4.3.1.2.a to reflect the results of the criticality analysis associated with the new fuel storage facility.

Attachment II to this letter provides a list of WCNO commitments contained herein.

If you have any questions concerning this response, please contact me at (316) 364-4034, or Mr. Michael J. Angus, at (316) 364-4077.

Very truly yours,



Richard A. Muench

RAM/rlr

Attachments
Enclosure

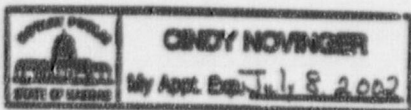
cc: V. L. Cooper (KDHE), w/a
W. D. Johnson (NRC), w/a
E. W. Merschoff (NRC), w/a
B. A. Smalldridge (NRC), w/a
K. M. Thomas (NRC), w/a

STATE OF KANSAS)
) SS
COUNTY OF OSAGE)

Richard A. Muench, 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 content thereof; that he has executed that 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 *Richard A. Muench*
Richard A. Muench
Vice President Engineering

SUBSCRIBED and sworn to before me this 19th day of November, 1998.



Cindy Novinger
Notary Public

Expiration Date July 8, 2002

AFFIDAVIT PURSUANT TO 10CFR2.790

I, Scott H. Pellet, being duly sworn, depose and state as follows:

- (1) I am the Project Manager for Holtec International and have been delegated the function of reviewing the information described in paragraph (2) which is sought to be withheld, and have been authorized to apply for its withholding.
- (2) The information sought to be withheld is contained in the document entitled "ADDITIONAL INFORMATION REQUESTED FOR THE TOPICS DISCUSSED DURING THE OCTOBER 14 AND 15 MEETING." The proprietary material in this document is delineated by proprietary designation on specific pages or by shaded text identified as being proprietary.
- (3) In making this application for withholding of proprietary information of which it is the owner, Holtec International relies upon the exemption from disclosure set forth in the Freedom of Information Act ("FOIA"), 5 USC Sec. 552(b)(4) and the Trade Secrets Act, 18 USC Sec. 1905, and NRC regulations 10CFR Part 9.17(a)(4), 2.790(a)(4), and 2.790(b)(1) for "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (Exemption 4). The material for which exemption from disclosure is here sought is all "confidential commercial information", and some portions also qualify under the narrower definition of "trade secret", within the meanings assigned to those terms for purposes of FOIA Exemption 4 in, respectively, Critical Mass Energy Project v. Nuclear Regulatory Commission, 975F2d871 (DC Cir. 1992), and Public Citizen Health Research Group v. FDA, 704F2d1280 (DC Cir. 1983).
- (4) Some examples of categories of information which fit into the definition of proprietary information are:
 - a. Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by Holtec's competitors without license from Holtec International constitutes a competitive economic advantage over other companies;

AFFIDAVIT PURSUANT TO 10CFR2.790

- b. Information which, if used 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 of a similar product.
- c. Information which reveals cost or price information, production, capacities, budget levels, or commercial strategies of Holtec International, its customers, or its suppliers;
- d. Information which reveals aspects of past, present, or future Holtec International customer-funded development plans and programs of potential commercial value to Holtec International;
- e. Information which discloses patentable subject matter for which it may be desirable to obtain patent protection.

The information sought to be withheld is considered to be proprietary for the reasons set forth in paragraphs 4.a, 4.b, 4.d, and 4.e, above.

- (5) The information sought to be withheld is being submitted to the NRC in confidence. The information (including that compiled from many sources) is of a sort customarily held in confidence by Holtec International, and is in fact so held. The information sought to be withheld has, to the best of my knowledge and belief, consistently been held in confidence by Holtec International. No public disclosure has been made, and it is not available in public sources. All disclosures to third parties, including any required transmittals to the NRC, have been made, or must be made, pursuant to regulatory provisions or proprietary agreements which provide for maintenance of the information in confidence. Its initial designation as proprietary information, and the subsequent steps taken to prevent its unauthorized disclosure, are as set forth in paragraphs (6) and (7) following.
- (6) Initial approval of proprietary treatment of a document is made by the manager of the originating component, the person most likely to be acquainted with the value and sensitivity of the information in relation to industry knowledge. Access to such documents within Holtec International is limited on a "need to know" basis.

AFFIDAVIT PURSUANT TO 10CFR2.790

- (7) The procedure for approval of external release of such a document typically requires review by the staff manager, project manager, principal scientist or other equivalent authority, by the manager of the cognizant marketing function (or his designee), and by the Legal Operation, for technical content, competitive effect, and determination of the accuracy of the proprietary designation. Disclosures outside Holtec International are limited to regulatory bodies, customers, and potential customers, and their agents, suppliers, and licensees, and others with a legitimate need for the information, and then only in accordance with appropriate regulatory provisions or proprietary agreements.
- (8) The information classified as proprietary was developed and compiled by Holtec International at a significant cost to Holtec International. This information is classified as proprietary because it contains detailed historical data and analytical results not available elsewhere. This information would provide other parties, including competitors, with information from Holtec International's technical database and the results of evaluations performed using codes developed by Holtec International. Release of this information would improve a competitor's position without the competitor having to expend similar resources for the development of the database. A substantial effort has been expended by Holtec International to develop this information.
- (9) Public disclosure of the information sought to be withheld is likely to cause substantial harm to Holtec International's competitive position and foreclose or reduce the availability of profit-making opportunities. The information is part of Holtec International's comprehensive spent fuel storage technology base, and its commercial value extends beyond the original development cost. The value of the technology base goes beyond the extensive physical database and analytical methodology, and includes development of the expertise to determine and apply the appropriate evaluation process.

The research, development, engineering, and analytical costs comprise a substantial investment of time and money by Holtec International.

The precise value of the expertise to devise an evaluation process and apply the correct analytical methodology is difficult to quantify, but it clearly is substantial.

AFFIDAVIT PURSUANT TO 10CFR2.790

Holtec International's competitive advantage will be lost if its competitors are able to use the results of the Holtec International experience to normalize or verify their own process or if they are able to claim an equivalent understanding by demonstrating that they can arrive at the same or similar conclusions.

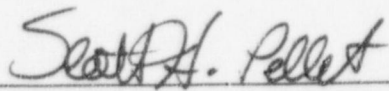
The value of this information to Holtec International would be lost if the information were disclosed to the public. Making such information available to competitors without their having been required to undertake a similar expenditure of resources would unfairly provide competitors with a windfall, and deprive Holtec International of the opportunity to exercise its competitive advantage to seek an adequate return on its large investment in developing these very valuable analytical tools.

STATE OF NEW JERSEY)
) ss:
COUNTY OF BURLINGTON)

Scott H. Pellet, being duly sworn, deposes and says:

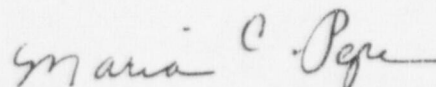
That he has read the foregoing affidavit and the matters stated therein are true and correct to the best of his knowledge, information, and belief.

Executed at Marlton, New Jersey, this 30th day of October 1998.



Scott H. Pellet
Holtec International

Subscribed and sworn before me this 30 day of October, 1998.



LIST OF COMMITMENTS

The following table identifies those actions committed to by Wolf Creek Nuclear Operating Corporation (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. Michael J. Angus, Manager Licensing and Corrective Action at Wolf Creek Generating Station, (316) 364-4077.

COMMITMENT	Due Date/Event
NONE	