

August 30, 2007

Mr. B. F. Maurer  
Acting Manager, Regulatory Compliance  
and Plant Licensing  
Nuclear Services  
Westinghouse Electric Company  
P.O. Box 355  
Pittsburgh, PA 15230-0355

SUBJECT: TOPICAL REPORT FOR WOLF CREEK GENERATING STATION – REQUEST  
FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE (TAC NO.  
MD0197)

Dear Mr. Maurer:

By letter dated April 24, 2007, Westinghouse Electric Company (WEC) submitted an affidavit (CAW-07-2273) also dated April 24, 2007, executed by you, requesting that information designated proprietary in the topical report entitled, LTR-CDME-07-72-P, "Response to NRC Request for Additional Information Relating to [topical report] LTR-CDME-05-209-P of the Wolf Creek Generating Station (WCGS) Permanent B\* License Amendment Request," dated April 24, 2007, be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390. The topical report and the WEC letter are Enclosures I and III, respectively, to the letter dated May 3, 2007 (WO 07-0012), from the Wolf Creek Nuclear Operating Corporation to the Nuclear Regulatory Commission (NRC), for the Wolf Creek Generating Station.

A nonproprietary copy of the document designated LTR-CDME-07-72-NP, which is Enclosure II to the above May 3, 2007, letter, has been placed in the NRC's Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room (ADAMS Accession No. ML071290104).

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

Under that system, information is held in confidence if it falls in 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 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 economic value to Westinghouse.

We have reviewed your application and the material designated as proprietary in topical report LTR-CDME-07-72-P, dated April 24, 2007, in accordance with the requirements of 10 CFR 2.390 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure. Therefore, the information marked as proprietary in topical report LTR-CDME-07-72-P, dated April 24, 2007, 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) 415-1307.

Sincerely,

/RA/

Jack N. Donohew, Senior Project Manager  
Plant Licensing Branch IV  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket No. 50-483

cc: See next page

- (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.
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/RA/

Jack N. Donohew, Senior Project Manager  
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**NRR-084**

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**OFFICIAL RECORD COPY**

Wolf Creek Generating Station

cc:

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February 2006