

WOLF CREEK

NUCLEAR OPERATING CORPORATION

Forrest T. Rhodes
Vice President Engineering

March 16, 1993

ET 93-0031

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

References: 1) Letter ET 92-0011 dated January 15, 1992, from
F. T. Rhodes, WCNO to USNRC
2) Letter ET 92-0032 dated March 11, 1992, from
F. T. Rhodes, WCNO to USNRC
3) Letter ET 91-0026 dated February 1, 1991, from
F. T. Rhodes, WCNO to USNRC
Subject: Docket No. 50-482: Revisions to Applications for
Withholding Proprietary Information from Public
Disclosure

Gentlemen:

This letter provides revisions to an affidavit, pursuant to 10 CFR 2.790, and provides additional affidavits from Westinghouse, the owners of certain parts of the information, to respectfully request that proprietary information be withheld from public disclosure. The proprietary information is contained in the above referenced submittals for Wolf Creek Generating Station (WCGS), Unit 1.

Reference 1 provided the, "Steady State Core Physics Methodology for the Wolf Creek Generating Station". The affidavit attached to that submittal incorrectly stated that the information was not the property of Wolf Creek Nuclear Operating Corporation (WCNO). A revised affidavit is attached that replaces the Reference 1 affidavit in its entirety.

Reference 2 provided the, "Reload Safety Evaluation Methodology for the Wolf Creek Generating Station". Portions of the information included in that document is owned by Westinghouse. An additional affidavit is attached which addresses the Westinghouse proprietary information. Correspondence with respect to the proprietary aspects of the Application for Withholding on the supporting Westinghouse Affidavit should reference CAW-93-426 and should be addressed to N. J. Liparulo, Manager Nuclear Safety and Regulatory Activities, Westinghouse Electric Corporation, P.O. Box 355, Pittsburgh, Pennsylvania 15230-0355. Portions of the information included in Reference 2 is owned by B&W Fuel Company. An additional affidavit is attached which addresses the B&W Fuel Company proprietary information.

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Reference 3 provided the, "Transient Analysis Methodology for the Wolf Creek Generating Station". Portions of the information included in that document is owned by Westinghouse. An additional affidavit is attached which addresses the Westinghouse proprietary information. Correspondence with respect to the Application for Withholding or the supporting Westinghouse Affidavit should reference CAW-93-430 and should be addressed to N. J. Liparulo, Manager Nuclear Safety and Regulatory Activities, at Westinghouse as noted in the paragraph above.

The three referenced submittals have had supplemental responses that also contain proprietary information. Each of these supplemental responses reference back to the originating document. Therefore, the proprietary information in the supplemental responses is addressed by the attached affidavits.

If you have any questions concerning this matter, please contact me at (316) 364-8831 extension 4002 or Mr. Kevin J. Moles at extension 4565.

Very truly yours,



Forrest T. Rhodes
Vice President
Engineering

FTR/jra

Attachment

cc: W. D. Johnson (NRC), w/a
J. L. Milhoan (NRC), w/a
G. A. Pick (NRC), w/a
W. D. Reckley (NRC), w/a

AFFIDAVIT

STATE OF KANSAS)
)
COUNTY OF COFFEY)

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

- (1) I am Vice President Engineering 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 the public disclosure in WCNOC's submittal of Steady State Core Physics Methodology topical report, and am authorized to apply for its withholding on belief of WCNOC.
- (2) 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 92-0011 for Steady State Core Physics Methodology topical report submittal.
- (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 this 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 on confidence falls on one 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 WCNOC 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.

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

- (a) It is information which is marketable in many ways.
 - (b) Use by other companies would put WCNOC 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 WCNOC 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 Steady State Core Physics Methodology topical report, dated December, 1991.

The subject information could only be duplicated by competitors if they were to invest time and effort equivalent to that invested by WCNOC 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

Forrest T. Rhodes
Vice President
Engineering

SUBSCRIBED and sworn to before me this 16 day of March, 1993.

Marlene Heathman
Notary Public

My Commission Expires 8-4-94

