

November 7, 2007

Mr. Rick A. Muench
President and Chief Executive Officer
Wolf Creek Nuclear Operating Corporation
Post Office Box 411
Burlington, KS 66839

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
IN THREE CS INNOVATIONS TOPICAL REPORTS SUBMITTED APRIL 18,
2007, FOR WOLF CREEK GENERATING STATION (TAC NO. MD4839)

Dear Mr. Muench:

By three letters dated April 6, 2007 (designated 9100-00004, 9100-00006, and 9100-00008), CS Innovations LLC (CSI) submitted three affidavits (designated 9100-00005, 9100-00007, and 9100-00009) dated April 12, 2007, executed by Steen D. Sorensen, President and CEO, CSI, requesting that information designated proprietary in the following three topical reports be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

1. 6000-00000, "ALS [Advanced Logic System] Level-1 System Specification," Revision 1, dated April 6, 2007,
2. 6101-00002, "MSFIS [Main Steam and Feedwater Isolation System] System Specification, Wolf Creek Generating Station," Revision 0.96, dated April 6, 2007, and
3. 6000-00010, "ALS Design Tools," Revision 0.8, dated April 6, 2007.

The topical reports and the CSI letters are Enclosures IV, V, IX, X, XII and XIII, respectively, to the letter dated April 18, 2007 (ET 07-0008), from the Wolf Creek Nuclear Operating Corporation (WCNOC) to the Nuclear Regulatory Commission (NRC), for the Wolf Creek Generating Station.

Non-proprietary versions of the above documents were not submitted for placement in the NRC Public Document Room and the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room. In its letter dated April 18, 2007, WCNOC stated that only proprietary versions of the reports were submitted because non-proprietary versions would be of no value to the public due the extent of the proprietary information in these reports. Based on its review of these reports, the NRC staff agrees with WCNOC and concludes that it is not practical to have a non-proprietary copy of the reports when so few pages of the reports, like the table of contents, and the list of acronyms and units of measurements, may be non-proprietary.

The affidavits 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 CSI's competitors without license from CSI constitutes a competitive economic advantage over other companies.
- (b) It consists of supporting data, including test data, relative to a process (or component, structure, tool method, etc.) the application of which data secures a competitive economic advantage, e.g. by optimization or improved marketability.
- (c) Its use by a competitor would reduce his expenditure of resources or improve his competitive position in the design, manufacturer, shipment, installation, assurance of quality, or licensing a similar product.
- (d) It reveals costs or price information, production capacities, budget levels, or commercial strategies of CSI, its customers or suppliers.
- (e) It reveals aspects of past, present, or future CSI or customer funded development plans and programs of potential economic value to CSI.
- (f) It contains patentable ideas, for which patent protection may be desirable.

We have reviewed the affidavits and the material designated as proprietary in the three CSI topical reports listed on the previous page in accordance with the requirements of 10 CFR 2.390. Although the three CSI reports do not identify which ones of the above six reasons are the basis for which the information in the three reports should be withheld from the public, the NRC staff has determined that at least reasons (a), (c), and (e) above apply to the information in the three reports. Therefore, although in the future each page of a proprietary report should show which of the six reasons above specifically apply to the information on that page sought to be withheld from the public, on the basis of the statements in the affidavits, the NRC staff has determined that the submitted reports sought to be withheld contain proprietary commercial information and should be withheld from public disclosure. Therefore, this information 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.

Therefore, the information marked as proprietary in (1) CSI report 6000-00000, "ALS Level-1 System Specification," Revision 1, dated April 6, 2007; (2) CSI report 6101-00002, "MSFIS System Specification, Wolf Creek Generating Station," Revision 0.96, dated April 6, 2007; and (3) CSI report 6000-00010, "ALS Design Tools," Revision 0.8, dated April 6, 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.

R. A. Muench

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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. 50-482

cc: Steen D. Sorensen, CSI
See next page

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Jack N. Donohew, Senior Project Manager
Plant Licensing Branch IV
Division of Operating Reactor Licensing
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Docket No. 50-482

cc: Steen D. Sorensen, CSI
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Wolf Creek Generating Station

cc:

Mr. Steen D. Sorensen
President and Chief Executive Officer
CS Innovations LLC
9150 E. Del Camino
Suite 110
Scottsdale, AZ 85256

Jay Silberg, Esq.
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, NW
Washington, D.C. 20037

Regional Administrator, Region IV
U.S. Nuclear Regulatory Commission
611 Ryan Plaza Drive, Suite 400
Arlington, TX 76011

Senior Resident Inspector
U.S. Nuclear Regulatory Commission
P.O. Box 311
Burlington, KS 66839

Chief Engineer, Utilities Division
Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604-4027

Office of the Governor
State of Kansas
Topeka, KS 66612

Attorney General
120 S.W. 10th Avenue, 2nd Floor
Topeka, KS 66612-1597

County Clerk
Coffey County Courthouse
110 South 6th Street
Burlington, KS 66839

Chief, Radiation and Asbestos Control
Section
Kansas Department of Health
and Environment
Bureau of Air and Radiation
1000 SW Jackson, Suite 310
Topeka, KS 66612-1366

Vice President Operations/Plant Manager
Wolf Creek Nuclear Operating Corporation
P.O. Box 411
Burlington, KS 66839

Supervisor Licensing
Wolf Creek Nuclear Operating Corporation
P.O. Box 411
Burlington, KS 66839

U.S. Nuclear Regulatory Commission
Resident Inspectors Office/Callaway Plant
8201 NRC Road
Steelman, MO 65077-1032

February 2006