



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

December 23, 2009

Mr. David A. Heacock  
President and Chief Nuclear Officer  
Dominion Energy Kewaunee, Inc.  
Innsbrook Technical Center  
5000 Dominion Boulevard  
Glen Allen, VA 23060-6711

SUBJECT: KEWAUNEE POWER STATION, MILLSTONE POWER STATION UNITS 2 AND 3, NORTH ANNA POWER STATION UNITS 1 AND 2, SURRY POWER STATION UNITS 1 AND 2 – WITHHOLDING OF INFORMATION DETERMINED TO BE PROPRIETARY (TAC NOS. ME2321, ME2322, ME2323, ME2324, ME2325, ME2326, AND ME2327)

Dear Mr. Heacock:

By letter dated November 20, 2009 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML093310345), you submitted supplemental information to support the Nuclear Regulatory Commission (NRC) staff's review of an August 28, 2009, submission regarding the issue of mixing vane spacing restriction in Fleet Report DOM-NAF-2-A, "Qualification of the Westinghouse WRB-1 CHF Correlation in the Dominion VIPRE-D Computer code." You included an affidavit (ADAMS Accession No. ML093310330) executed by Mr. J. A. Gresham of Westinghouse Electric Company on November 10, 2009, requesting that Attachment 1 (ADAMS Accession No. ML093310332) of the November 20, 2009, letter be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390.

The affidavit stated that Attachment 1 should be considered exempt from mandatory public disclosure because:

- (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.
- (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, manufacture, shipment, installation, assurance of quality, or licensing a similar product.

D. Heacock

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We have reviewed Mr. Gresham's affidavit in accordance with the requirements of 10 CFR 2.390, and on the basis of his statements, we have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure. Therefore, Attachment 1, which is marked as proprietary, 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.

We have released to the public Attachment 2, the non-proprietary version of Attachment 1 (ADAMS Accession No. ML093310330).

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 301-415-1451.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter S. Tam for". The signature is fluid and cursive, with the word "for" written in a smaller, simpler font to the right of the main signature.

Peter S. Tam, Senior Project Manager  
Plant Licensing Branch III-1  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos. 50-305, 50-336, 50-423,  
50-338, 50-339, 50-280, and  
50-281

cc: Distribution via Listserv

cc: Mr. J. A. Gresham, Manager  
Westinghouse Electric Company  
Nuclear Services  
P.O. Box 355  
Pittsburgh, PA 15230-0355

D. Heacock

- 2 -

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Sincerely,  
**/RA by JPoole for/**  
Peter S. Tam, Senior Project Manager  
Plant Licensing Branch III-1  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

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cc: Mr. J. A. Gresham, Manager  
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Accession No.: **ML093450408**

OFFICE	LPL3-1/PM	LPL3-1/LA	SNPB/BC	LPL3-1/BC
NAME	PTam (JPoole for)	THarris	AMendiola	RPascarelli
DATE	12/23/09	12/16/09	12/16/09	12/22/09