

February 6, 2003

Mr. Thomas Coutu  
Site Vice President  
Kewaunee Nuclear Power Plant  
Nuclear Management Company, LLC  
N490 State Highway 42  
Kewaunee, WI 54216

SUBJECT: KEWAUNEE NUCLEAR POWER PLANT - REQUEST FOR WITHHOLDING  
INFORMATION FROM PUBLIC DISCLOSURE (TAC NO. MB7225)

Dear Mr. Coutu:

By your application dated January 13, 2003, and Westinghouse Electric Company, LLC's (Westinghouse) affidavit executed by H. A. Sepp dated December 16, 2002, you submitted a proprietary document entitled, "Kewaunee Power Uprate Engineering Report Sections 5.7 and 5.8" and you requested that it be withheld from public disclosure pursuant to 10 CFR 2.790. A nonproprietary copy of this document has been placed in the Nuclear Regulatory Commission's (NRC's) public document room and added to the Agencywide Documents Access and Management Systems Publicly Available Records System (ADAMS PARS) Library.

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

- (4)(ii)(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.
- (4)(ii)(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.

The NRC staff has reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of Westinghouse's statements, has determined that the submitted information sought to be withheld contains privileged commercial information and should be withheld from public disclosure.

Therefore, we have determined that the document entitled, "Kewaunee Power Uprate Engineering Report Sections 5.7 and 5.8" marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.790(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. Also, you 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 301-415-1446.

Sincerely,

*/RA/*

John G. Lamb, Project Manager, Section 1  
Project Directorate III  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-305

cc: See next page

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\*See previous concurrence

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Kewaunee Nuclear Power Plant

cc:

John H. O'Neill, Jr.  
Shaw Pittman, Potts & Trowbridge  
2300 N. Street, NW  
Washington, DC 20037-1128

David Molzahn  
Nuclear Asset Manager  
600 North Adams Street  
Green Bay, WI 54307-9002

David Zellner  
Town Chairman - Town of Carlton  
N2164 County B  
Kewaunee, WI 54216

Sarah Jenkins  
Electric Division  
Public Service Commission of Wisconsin  
PO Box 7854  
Madison, WI 53707-7854

Larry L. Weyers  
Chairman, President, and CEO  
Wisconsin Public Service Corporation  
600 North Adams Street  
Green Bay, WI 54307-9002

NRC NRR Project Manager  
Mail Stop O-8-H-4A  
U. S. Nuclear Regulatory Commission  
Washington, DC 20555

Resident Inspectors Office  
U.S. Nuclear Regulatory Commission  
N490 Hwy 42  
Kewaunee, WI 54216-9510

Regional Administrator  
Region III  
U.S. Nuclear Regulatory Commission  
801 Warrenville Road  
Lisle, IL 60532-4351

Ave M. Bie, Chairperson  
Public Service Commission of Wisconsin  
PO Box 7854  
Madison, WI 53707-7854

Roy Anderson  
Chief Nuclear Officer  
Nuclear Management Company, LLC  
700 First Street  
Hudson, WI 54016