

March 28, 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, "Westinghouse Revised Thermal Design Procedure Instrument Uncertainty Methodology - Kewaunee Nuclear Plant (Power Uprate to 1757 MWt-NSSS Power with Feedwater Venturis, or 1780 MWt-NSSS Power with Ultrasonic Flow Measurements, and 54F Replacement Steam Generators)," Westinghouse WCAP-15591, Revision 1, 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 (NRC) 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 discovered a discrepancy between the proprietary and non-proprietary versions of the report on January 24, 2003. The discrepancy was noted on page 3 of the non-proprietary version. The sentence "For parameters with closed-loop automatic control systems..." contained proprietary information in the non-proprietary version. Your staff was notified regarding this discrepancy.

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 supplemental letter dated March 6, 2003, requesting that we replace page 3 of the non-proprietary with a corrected page 3 that you supplied.

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, "Westinghouse Revised Thermal Design Procedure Instrument Uncertainty Methodology - Kewaunee Nuclear Plant (Power Uprate to 1757 MWt-NSSS Power with Feedwater Venturis, or 1780 MWt-NSSS Power with Ultrasonic Flow Measurements, and 54F Replacement Steam Generators)," Westinghouse WCAP-15591, Revision 1, 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 (FOIA) 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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Kewaunee Nuclear Power Plant

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