

July 11, 2003

H. A. Sepp, Manager  
Regulatory and Licensing Engineering  
Westinghouse Electric Company  
P. O. Box 355  
Pittsburgh, PA 15230-0355

SUBJECT: KEWAUNEE NUCLEAR POWER PLANT - REQUEST FOR WITHHOLDING  
INFORMATION FROM PUBLIC DISCLOSURE (TAC NO. MB9031)

Dear Mr. Coutu:

By letter dated May 22, 2003, the Nuclear Management Company, LLC, submitted an affidavit dated May 19, 2003, executed by H. A. Sepp, Westinghouse Electric Company, requesting that the following document (Reference No. CAW-03-1603) be withheld from public disclosure pursuant to 10 CFR 2.790:

WCAP-16040-P, Power Uprate Project Kewaunee Nuclear Power Plant [Nuclear Steam Supply System] NSSS and [Balance of Plant] BOP Licensing Report

A nonproprietary copy of this document has been placed in the NRC's public document room and added to the Agencywide Documents Access and Management Systems Publicly Available Records System (ADAMS PARS) Library.

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

- (4)(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)(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.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains privileged commercial information and should be withheld from public disclosure.

H. Sepp

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Therefore, the versions of the submitted information 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. You should also 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

H. Sepp

- 2 -

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John G. Lamb, Project Manager, Section 1  
Project Directorate III  
Division of Licensing Project Management  
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Kewaunee Nuclear Power Plant

cc:

John Paul Cowan  
Chief Nuclear Officer  
Nuclear Management Company, LLC  
27780 Blue Star Memorial Highway  
Cover, MI 49043

Jonathan Rogoff, Esquire  
General Counsel,  
Nuclear Management Company, LLC  
700 First Street  
Hudson, WI 54016

Kyle Hoops  
Plant Manager  
Kewaunee Nuclear Power Plant  
N490 Highway 42  
Kewaunee, WI 54216-9511

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

Gordon P. Arent  
Manager, Regulatory Affairs  
Kewaunee Nuclear Power Plant  
N490 Highway 42  
Kewaunee, WI 54216-9511

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

David Molzahn  
Nuclear Asset Manager  
Wisconsin Public Service Corporation  
600 N. Adams Street  
Green Bay, WI 54307-9002

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

Thomas Webb  
Nuclear Asset Manager  
Wisconsin Public Service Corporation  
600 N. Adams Street  
Green Bay, WI 54307-9002

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