

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
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Kewaunee Nuclear Power Plant

cc:

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