

January 8, 2004

David A. Christian  
Senior Vice President - Nuclear Operations and Chief Nuclear Officer  
Dominion Energy Kewaunee, Inc.  
Innsbrook Technical Center  
5000 Dominion Boulevard  
Glen Allen, VA 23060

SUBJECT: KEWAUNEE NUCLEAR POWER PLANT - REQUEST FOR WITHHOLDING  
INFORMATION FROM PUBLIC DISCLOSURE REGARDING LICENSE  
TRANSFER (TAC NO. MC1595)

Dear Mr. Christian:

By letter dated December 19, 2003, Wisconsin Public Service Corporation, Wisconsin Power & Light Company, Nuclear Management Company, LLC, and Dominion Energy Kewaunee submitted an affidavit dated December 16, 2003, executed by David A. Christian, Dominion Energy Kewaunee, requesting that the following documents be withheld from public disclosure pursuant to 10 CFR 2.790:

Addendum containing proprietary versions of Exhibit H, "Projected Income Statement," and Exhibit I, "Projected Consolidated Opening Balance Sheet," of the submittal dated December 19, 2003.

A nonproprietary copy of these documents 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 nonproprietary copy of these documents is contained in Exhibit H, "Projected Income Statement," and Exhibit I, "Projected Consolidated Opening Balance Sheet," of the submittal dated December 19, 2003 (ADAMS Accession No. ML033570112).

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

- a. This information is and has been held in confidence by Dominion Energy Kewaunee, Incorporated.
- b. This information is of a type that is held in confidence by Dominion Energy Kewaunee, Inc., and there is a rational basis for doing so because the information contains sensitive financial information concerning Dominion Energy Kewaunee, Inc.'s projected revenues and operating expenses.
- c. This information is being transmitted to the NRC in confidence.

- d. This information is not available in public sources and could not be gathered readily from other publicly available information.
- e. Public disclosure of this information would create substantial harm to the competitive position of Dominion Energy Kewaunee, Inc. by disclosing its internal financial projections and the commercial terms of a unique transaction to other parties whose commercial interests may be adverse to those of Dominion Energy Kewaunee, Incorporated.

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.

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

- d. This information is not available in public sources and could not be gathered readily from other publicly available information.
- e. Public disclosure of this information would create substantial harm to the competitive position of Dominion Energy Kewaunee, Inc. by disclosing its internal financial projections and the commercial terms of a unique transaction to other parties whose commercial interests may be adverse to those of Dominion Energy Kewaunee, Incorporated.

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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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DATE	01/05/04	01/05/04	01/08/04	01/08/04

Accession No. ML040020103

OFFICIAL RECORD COPY

Kewaunee Nuclear Power Plant

cc:

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