



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

November 24 2009

Mr. David A. Heacock
President and Chief Nuclear Officer Dominion Nuclear
Dominion Energy Kewaunee, Inc.
Innsbrook Technical Center
5000 Dominion Boulevard
Glen Allen, VA 23060-6711

SUBJECT: KEWAUNEE POWER STATION - REQUEST FOR WITHHOLDING
INFORMATION FROM PUBLIC DISCLOSURE (TAC NO. ME2139)

Dear Mr. Heacock:

By letter dated August 24, 2009 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML092440398), Mr. Leslie N. Hartz submitted an application for amendment, proposing to convert the current custom Technical Specifications to the Improved Standard Technical Specifications format. The subject application included an affidavit executed by Mr. J. A. Gresham on July 21, 2009, requesting that Attachment 3, "License Amendment 249, Kewaunee Power Station Conversion to Improved Technical Specifications, Applicability of WCAP-14333 and WCAP 15376 to Kewaunee Power Station" be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390.

The affidavit stated that the revised pages of Attachment 3 should be considered exempt from mandatory public disclosure because these pages contain:

- 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.
- 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 Mr. Gresham's affidavit in accordance with the requirements of 10 CFR 2.390, and on the basis of its statements, we have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure. Therefore, Attachment 3, which is marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

We have released to the public the non-proprietary version of the subject document, identified as Attachment 4 of the August 24, 2009, application (ADAMS Accession No. ML092440434).

D. A. Heacock

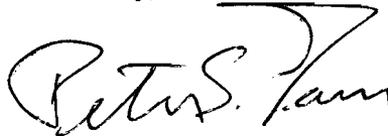
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Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, 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 also 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 301-415-1451.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter S. Tam". The signature is fluid and cursive, with a large, stylized initial "P" and "T".

Peter S. Tam, Senior Project Manager
Plant Licensing Branch III-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-305

cc w/encl: Distribution via ListServ

cc: Mr. J. A. Gresham, Manager
Regulatory Compliance and Plant Licensing
Westinghouse Electric Company
Nuclear Services
P.O. Box 355
Pittsburgh, Pennsylvania, 15230-0355

D. A. Heacock

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/RA/

Peter S. Tam, Senior Project Manager
Plant Licensing Branch III-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-305

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cc: Mr. J. A. Gresham, Manager
Regulatory Compliance and Plant Licensing
Westinghouse Electric Company
Nuclear Services
P.O. Box 355
Pittsburgh, Pennsylvania, 15230-0355

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Accession No.: **ML093140805**

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DATE	11/20/09	11/17/09	11/23/09	11/24/09

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