



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

September 28, 2010

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

SUBJECT: REQUEST FOR WITHHOLDING OF INFORMATION FROM PUBLIC
DISCLOSURE FOR KEWAUNEE POWER STATION, MILLSTONE POWER
STATION UNITS 2 AND 3, NORTH ANNA POWER STATION UNITS 1 AND 2,
SURRY POWER STATION UNITS 1 AND 2 (TAC NOS. ME4600, ME4601,
ME4602, ME4603, ME4604, ME4605, AND ME4606)

Dear Mr. Heacock:

By letter dated August 20, 2010 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML102390421), as supplemented by a letter dated September 22, 2010 (ADAMS Accession No. ML102660352), you submitted supplemental information to complete submittals regarding the issue of mixing vane spacing restriction in approved Fleet Report DOM-NAF-2-A, "Qualification of the Westinghouse WRB-1 CHF Correlation in the Dominion VIPRE-D Computer Code." In your supplemental letter of September 22, 2010, you included an affidavit executed by Mr. J. A. Gresham of Westinghouse Electric Company (Westinghouse) on February 4, 2010, designated by Westinghouse as its letter CAW-10-2744, as being applicable to Attachment 1 of the August 20, 2010, letter such that Attachment 1 should 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 proprietary information marked "Supplemental Information in Support of the Grid Spacing Restriction in Appendix B to Fleet Report DOM-NAF-2-A" should be considered exempt from mandatory public disclosure because:

- (a) The information sought to be withheld from public disclosure is owned and has been held in confidence by Westinghouse and not customarily disclosed to the public.
- (b) 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) It consists of supporting data, including test data, relative to a process (or component, structure, tool, method, etc.), the application of which data secures a competitive economic advantage, e.g., by optimization or improved marketability.
- (d) 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.
- (e) The information requested to be withheld reveals the distinguishing aspects of Westinghouse fuel designs critical heat flux (CHF) correlations.

We have reviewed Mr. Gresham's affidavit as it applies to your letter of August 20, 2010, in accordance with the requirements of 10 CFR 2.390 and, on the basis of his 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 1 of the August 20, 2010, letter, 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 Attachment 2 of the August 20, 2010 letter, the non-proprietary version of Attachment 1 (ADAMS Accession No. ML102390419).

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.

D. Heacock

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If you have any questions regarding this matter, I may be reached at 301-415-3079.

Sincerely,

A handwritten signature in black ink that reads "Karl Feintuch". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Karl Feintuch, Project Manager
Plant Licensing Branch III-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-305, 50-336, 50-423,
50-338, 50-339, 50-280, and
50-281

cc: Mr. J. A. Gresham, Manager
Westinghouse Electric Company
Nuclear Services
P.O. Box 355
Pittsburgh, PA 15230-0355

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D. Heacock

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If you have any questions regarding this matter, I may be reached at 301-415-3079.

Sincerely,
/RA/

Karl Feintuch, Project Manager
Plant Licensing Branch III-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-305, 50-336, 50-423,
50-338, 50-339, 50-280, and
50-281

cc: Mr. J. A. Gresham, Manager
Westinghouse Electric Company
Nuclear Services
P.O. Box 355
Pittsburgh, PA 15230-0355

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