

May 27, 2003

Mr. Thomas Coutu
Site Vice President
Kewaunee Nuclear Power Plant
Nuclear Management Company, LLC
N490 State Highway 42
Kewaunee, WI 54216-9511

SUBJECT: KEWAUNEE NUCLEAR POWER PLANT - REQUEST FOR WITHHOLDING
INFORMATION FROM PUBLIC DISCLOSURE (TAC NO. MB7225)

Dear Mr. Coutu:

By your letter dated April 28, 2003, and Westinghouse Electric Company, LLC's (Westinghouse) affidavit executed by H. A. Sepp dated April 28, 2003, you submitted a proprietary document entitled, "Response to [U. S. Nuclear Regulatory Commission] NRC Request for Additional Information (RAI) on Kewaunee Crossflow Ultrasonic Flow Measurement System" and you requested that it be withheld from public disclosure pursuant to 10 CFR 2.790. 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 Westinghouse affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- (4)(ii)(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)(ii)(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.

The NRC staff has reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of Westinghouse's statements, has determined that the submitted information sought to be withheld contains privileged commercial information and should be withheld from public disclosure.

Therefore, we have determined that the document entitled, "Response to NRC Request for Additional Information (RAI) on Kewaunee Crossflow Ultrasonic Flow Measurement System" 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. Also, you 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 301-415-1446.

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

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John G. Lamb, Project Manager, Section 1
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Division of Licensing Project Management
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Accession No. ML031480178

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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