

April 11, 2002

Mr. J. A. Price
Vice President - Nuclear Technical Services - Millstone
Dominion Nuclear Connecticut, Inc.
c/o Mr. David A. Smith
Rope Ferry Road
Waterford, CT, 06385

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE,
MILLSTONE NUCLEAR POWER STATION, UNIT NO. 2 (TAC NO. MB4655)

Dear Mr. Price:

By Dominion Nuclear Connecticut, Inc.'s (DNC) letter dated March 15, 2002, and Westinghouse Electric Company, LLC (WEC) affidavit executed by Ian C. Rickard, dated March 14, 2002, you submitted WEC Design Report No. DAR-CI-02-3, Revision 0, and requested that it be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790. The WEC document provides the Design Stress Report for the Millstone Nuclear Power Station, Unit No. 2 pressurizer. This document was submitted to the Nuclear Regulatory Commission (NRC) staff in response to a request for additional information related to a DNC request to install mechanical nozzle seal assemblies for two leaking pressurizer heater penetration nozzles as an alternative to certain requirements of Section XI of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (reference TAC No. MB4039).

Your letter did not include a nonproprietary version of WEC Design Report No. DAR-CI-02-3. As discussed with Mr. David Dodson of your staff on March 26, 2002, a nonproprietary version of this document was not submitted to the NRC because the vast majority of the information contained in the document is considered proprietary and DNC considers it impractical to provide a nonproprietary version.

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

1. The information sought to be withheld from public disclosure is owned and has been held in confidence by WEC. It consists of information concerning application, qualification and evaluation details for mechanical nozzle seal assemblies.
2. The information is of a type customarily held in confidence by WEC and not customarily disclosed to the public.

3. Public disclosure of the information is likely to cause substantial harm to the competitive position of WEC because:
 - a. A similar product or service is provided by competitors of Westinghouse.
 - b. WEC has invested substantial funds and engineering resources in the development of this information. A competitor would have to undergo similar expense in generating equivalent information.
 - c. The information consists of technical data and qualification information for mechanical nozzle seal assemblies, the application of which provides a competitive economic advantage. The availability of such information to competitors would enable them to design their product to better compete with WEC, take marketing or other actions to improve their product's position or impair the position of WEC's product, and avoid developing similar technical analysis in support of their processes, methods or apparatus.

We have reviewed your submittal and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of WEC's statements, have determined that the information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, WEC Design Report No. DAR-CI-02-3, Revision 0, 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.

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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, please contact me at (301) 415-1420.

Sincerely,

/RA/

Richard B. Ennis, Sr. Project Manager, Section 2
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-336

cc: See next page

J. Price

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