

August 20, 2003

Mr. John W. Fasnacht  
Manager, Major Programs Group  
Westinghouse Electric Company  
Nuclear Services  
P.O. Box 355  
Pittsburgh, PA 15230-0355

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC  
DISCLOSURE, MILLSTONE POWER STATION, UNIT NO. 3  
(TAC NO. MB9897)

Dear Mr. Fasnacht:

By letter dated July 1, 2003, Dominion Nuclear Connecticut, Inc. (DNC) submitted an affidavit dated June 16, 2003, executed by yourself, requesting that the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790: Attachment 1 to DNC Letter No. B18922, "Request for Exemption Pursuant to 10 CFR 50.12, Exemption to the Cladding Material Specified in 10 CFR 50.44, 10 CFR 50.46, and 10 CFR 50 Appendix K."

A nonproprietary copy of this document has been placed in the U.S. Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room.

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 Westinghouse.
- (2) The information is of a type customarily held in confidence by Westinghouse and not customarily disclosed to the public.
- (3) 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) 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.
- (5) 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.

- (6) Public disclosure of this proprietary information is likely to cause substantial harm to the competitive position of Westinghouse because it would enhance the ability of competitors to provide similar technical evaluation justifications and licensing defense services for commercial power reactors without commensurate expenses. Also, public disclosure of the information would enable others to use the information to meet NRC requirements for licensing documentation without purchasing the right to use the information.

The development of the technology described in part by the information is the result of applying the results of many years of experience in an intensive Westinghouse effort and the expenditure of a considerable sum of money.

In order for competitors of Westinghouse to duplicate this information, similar technical programs would have to be performed and a significant manpower effort, having the requisite talent and experience, would have to be expended for developing the enclosed improved core thermal performance methodology.

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 proprietary commercial information and should be withheld from public disclosure.

Therefore, Attachment 1 to Letter No. B18922, 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.

J. Fasnacht

- 3 -

If you have any questions regarding this matter, I may be reached at 301-415-1484.

Sincerely,

*/RA/*

Victor Nerses, Senior Project Manager, Section 2  
Project Directorate 1  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-423

cc: See next page

If you have any questions regarding this matter, I may be reached at 301-415-1484.

Sincerely,

***/RA/***

Victor Nerses, Senior Project Manager, Section 2  
Project Directorate 1  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-423

cc: See next page

DISTRIBUTION

JClifford      GMeyer,      RGN-I      DHassell      CRaynor  
GMiller      VNerses      PDI-2 Reading      CHolden      PUBLIC

ADAMS Accession No.: ML031900017

\*See previous concurrence

OFFICE	PDI-2/PM	PDI-2/PM	PDI-2/LA	SRXB/SC*	OGC*	PDI-2/SC
NAME	GMiller	VNerses	CRaynor	FAkstulewicz	DHassell	JClifford
DATE	8/18/03	8/18/03	8/15/03	8/4/03	8/7/03	8/18/03

OFFICIAL RECORD COPY

Millstone Power Station  
Unit 3

cc:

Lillilan M. Cuoco, Esquire  
Senior Counsel  
Dominion Resources Services, Inc.  
Rope Ferry Road  
Waterford, CT 06385

Edward L. Wilds, Jr., Ph.D.  
Director, Division of Radiation  
Department of Environmental Protection  
79 Elm Street  
Hartford, CT 06106-5127

Regional Administrator, Region I  
U.S. Nuclear Regulatory Commission  
475 Allendale Road  
King of Prussia, PA 19406

First Selectmen  
Town of Waterford  
15 Rope Ferry Road  
Waterford, CT 06385

Mr. P. J. Parulis  
Manager - Nuclear Oversight  
Dominion Nuclear Connecticut, Inc.  
Rope Ferry Road  
Waterford, CT 06385

Mr. W. R. Matthews  
Senior Vice President - Nuclear Operations  
Dominion Nuclear Connecticut, Inc.  
Rope Ferry Road  
Waterford, CT 06385

Mr. John Markowicz  
Co-Chair  
Nuclear Energy Advisory Council  
9 Susan Terrace  
Waterford, CT 06385

Mr. Evan W. Woollacott  
Co-Chair  
Nuclear Energy Advisory Council  
128 Terry's Plain Road  
Simsbury, CT 06070

Senior Resident Inspector

Millstone Power Station  
c/o U.S. Nuclear Regulatory Commission  
P. O. Box 513  
Niantic, CT 06357

Mr. G. D. Hicks  
Director - Nuclear Station Safety  
and Licensing  
Dominion Nuclear Connecticut, Inc.  
Rope Ferry Road  
Waterford, CT 06385

Ms. Nancy Burton  
147 Cross Highway  
Redding Ridge, CT 00870

Mr. William D. Meinert  
Nuclear Engineer  
Massachusetts Municipal Wholesale  
Electric Company  
Moody Street  
P.O. Box 426  
Ludlow, MA 01056

Mr. J. Alan Price  
Site Vice President  
Dominion Nuclear Connecticut, Inc.  
Rope Ferry Road  
Waterford, CT 06385

Mr. Chris Funderburk  
Director, Nuclear Licensing and  
Operations Support  
Dominion Resources Services, Inc.  
5000 Dominion Boulevard  
Glen Allen, VA 23060-6711

Mr. David W. Dodson  
Licensing Supervisor  
Dominion Nuclear Connecticut, Inc.  
Rope Ferry Road  
Waterford, CT 06385

Millstone Power Station  
Unit 3

cc:

Mr. S. E. Scace  
Assistant to the Site Vice President  
Dominion Nuclear Connecticut, Inc.  
Rope Ferry Road  
Waterford, CT 06385

Mr. M. J. Wilson  
Manager - Nuclear Training  
Dominion Nuclear Connecticut, Inc.  
Rope Ferry Road  
Waterford, CT 06385

Mr. A. J. Jordan, Jr.  
Director - Nuclear Engineering  
Dominion Nuclear Connecticut, Inc.  
Rope Ferry Road  
Waterford, CT 06385

Mr. S. P. Sarver  
Director - Nuclear Station Operations  
and Maintenance  
Dominion Nuclear Connecticut, Inc.  
Rope Ferry Road  
Waterford, CT 06385