



## **Withhold Attachment 2 from Public Disclosure Under 2.390(a)(4)**

July 13, 2007

U. S. Nuclear Regulatory Commission  
Attention: Document Control Desk  
One White Flint North  
11555 Rockville Pike  
Rockville, MD 20852-2378

Serial No.: 07-0450A  
NLOS/MAE: R0  
Docket No.: 50-423  
License No.: NPF-49

**DOMINION NUCLEAR CONNECTICUT, INC.**  
**MILLSTONE POWER STATION UNIT 3**  
**LICENSE AMENDMENT REQUEST**  
**STRETCH POWER UPRATE – SUPPLEMENTAL INFORMATION**

By letter dated July 13, 2007 (Serial No. 07-0450), Dominion Nuclear Connecticut, Inc. (DNC) requested an amendment to Operating License NPF-49 for Millstone Power Station Unit 3 (MPS3). The proposed Stretch Power Uprate (SPU) License Amendment Request (LAR) would increase the unit's authorized core power level from 3411 megawatts thermal (MWt) to 3650 MWt, and make licensing basis and Technical Specifications changes as necessary to support operation at the stretch power level. DNC is submitting additional technical information to support the Spent Fuel Pool Criticality Safety Analysis discussed in Attachment 7, Section 2.8.6.2 of DNC's July 13, 2007 letter (Serial No. 07-0450).

Information provided in the attachments to this letter is summarized as follows:

- Attachment 1 contains Westinghouse letter CAW-07-2252, "Application for Withholding Proprietary Information from Public Disclosure," dated March 15, 2007. This attachment also includes the accompanying affidavit, Proprietary Information Notice, and Copyright Notice.
- Attachment 2 contains Westinghouse document WCAP-16721-P, "Millstone Unit 3 Spent Fuel Pool Criticality Analysis," dated March 2007, which is the proprietary information.
- Attachment 3 contains Westinghouse document WCAP-16721-NP, "Millstone Unit 3 Spent Fuel Pool Criticality Analysis," dated March 2007, which is non-proprietary information.

Attachment 2 contains information proprietary to Westinghouse Electric Company LLC, and is supported by an affidavit in Attachment 1 that is signed by Westinghouse, the owner of the information. The affidavit sets forth the basis on which the information may be withheld from public disclosure by the Commission and addresses with specificity the considerations listed in 10 CFR 2.390(b)(4). Accordingly, it is requested that the

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Attachments:

1. Application for Withholding Proprietary Information from Public Disclosure for WCAP-16721.
2. WCAP-16721-P, Spent Fuel Pool Criticality Safety Analysis Proprietary Information.
3. WCAP-16721-NP, Spent Fuel Pool Criticality Safety Analysis Non Proprietary Information.

cc: U.S. Nuclear Regulatory Commission (w/o Attachment 2)  
Region I  
Regional Administrator  
475 Allendale Road  
King of Prussia, PA 19406-1415

Mr. J. D. Hughey  
Project Manager  
U.S. Nuclear Regulatory Commission  
One White Flint North  
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Mail Stop 8B3  
Rockville, MD 20852-2738

Mr. R. I. Treadway (w/o Attachment 2)  
NRC Senior Resident Inspector  
Millstone Power Station

Director (w/o Attachment 2)  
Bureau of Air Management  
Monitoring and Radiation Division  
Department of Environmental Protection  
79 Elm Street  
Hartford, CT 06106-5127

Serial No. 07-0450A  
Docket No. 50-423

**ATTACHMENT 1**

**LICENSE AMENDMENT REQUEST**  
**STRETCH POWER UPRATE**

**APPLICATION FOR WITHHOLDING PROPRIETARY INFORMATION FROM**  
**PUBLIC DISCLOSURE**

**DOMINION NUCLEAR CONNECTICUT, INC.**  
**MILLSTONE POWER STATION UNIT 3**



**Westinghouse**

Westinghouse Electric Company  
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USA

U.S. Nuclear Regulatory Commission  
Document Control Desk  
Washington, DC 20555-0001

Direct tel: (412) 374-4643  
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Our ref: CAW-07-2252

March 15, 2007

APPLICATION FOR WITHHOLDING PROPRIETARY  
INFORMATION FROM PUBLIC DISCLOSURE

Subject: WCAP-16721-P, "Millstone Unit 3 Spent Fuel Pool Criticality Safety Analysis," March 2007  
(Proprietary)

The proprietary information for which withholding is being requested in the above-referenced report is further identified in Affidavit CAW-07-2252 signed by the owner of the proprietary information, Westinghouse Electric Company LLC. The affidavit, which accompanies this letter, sets forth the basis on which the information may be withheld from public disclosure by the Commission and addresses with specificity the considerations listed in paragraph (b)(4) of 10 CFR Section 2.390 of the Commission's regulations.

Accordingly, this letter authorizes the utilization of the accompanying affidavit by Dominion Generation.

Correspondence with respect to the proprietary aspects of the application for withholding or the Westinghouse affidavit should reference this letter, CAW-07-2252 and should be addressed to J. A. Gresham, Manager, Regulatory Compliance and Plant Licensing, Westinghouse Electric Company LLC, P.O. Box 355, Pittsburgh, Pennsylvania 15230-0355.

Very truly yours,

B. F. Maurer, Acting Manager  
Regulatory Compliance and Plant Licensing

Enclosures

cc: Jon Thompson/NRR

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

SS

COUNTY OF ALLEGHENY:

Before me, the undersigned authority, personally appeared B. F. Maurer, who, being by me duly sworn according to law, deposes and says that he is authorized to execute this Affidavit on behalf of Westinghouse Electric Company LLC (Westinghouse), and that the averments of fact set forth in this Affidavit are true and correct to the best of his knowledge, information, and belief:

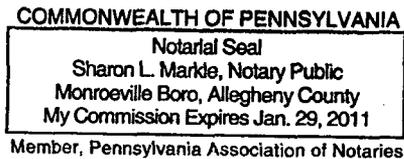


B. F. Maurer, Acting Manager  
Regulatory Compliance and Plant Licensing

Sworn to and subscribed before me  
this 15<sup>th</sup> day of March, 2007



Notary Public



- (1) I am Acting Manager, Regulatory Compliance and Plant Licensing, in Nuclear Services, Westinghouse Electric Company LLC (Westinghouse), and as such, I have been specifically delegated the function of reviewing the proprietary information sought to be withheld from public disclosure in connection with nuclear power plant licensing and rule making proceedings, and am authorized to apply for its withholding on behalf of Westinghouse.
- (2) I am making this Affidavit in conformance with the provisions of 10 CFR Section 2.390 of the Commission's regulations and in conjunction with the Westinghouse application for withholding accompanying this Affidavit.
- (3) I have personal knowledge of the criteria and procedures utilized by Westinghouse in designating information as a trade secret, privileged or as confidential commercial or financial information.
- (4) Pursuant to the provisions of paragraph (b)(4) of Section 2.390 of the Commission's regulations, the following is furnished for consideration by the Commission in determining whether the information sought to be withheld from public disclosure should be withheld.
  - (i) The information sought to be withheld from public disclosure is owned and has been held in confidence by Westinghouse.
  - (ii) The information is of a type customarily held in confidence by Westinghouse and not customarily disclosed to the public. Westinghouse has a rational basis for determining the types of information customarily held in confidence by it and, in that connection, utilizes a system to determine when and whether to hold certain types of information in confidence. The application of that system and the substance of that system constitutes Westinghouse policy and provides the rational basis required.

Under that system, information is held in confidence if it falls in one or more of several types, the release of which might result in the loss of an existing or potential competitive advantage, as follows:

- (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.
- (b) 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.
- (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.

- (d) It reveals cost or price information, production capacities, budget levels, or commercial strategies of Westinghouse, its customers or suppliers.
- (e) It reveals aspects of past, present, or future Westinghouse or customer funded development plans and programs of potential commercial value to Westinghouse.
- (f) It contains patentable ideas, for which patent protection may be desirable.

There are sound policy reasons behind the Westinghouse system which include the following:

- (a) The use of such information by Westinghouse gives Westinghouse a competitive advantage over its competitors. It is, therefore, withheld from disclosure to protect the Westinghouse competitive position.
  - (b) It is information that is marketable in many ways. The extent to which such information is available to competitors diminishes the Westinghouse ability to sell products and services involving the use of the information.
  - (c) Use by our competitor would put Westinghouse at a competitive disadvantage by reducing his expenditure of resources at our expense.
  - (d) Each component of proprietary information pertinent to a particular competitive advantage is potentially as valuable as the total competitive advantage. If competitors acquire components of proprietary information, any one component may be the key to the entire puzzle, thereby depriving Westinghouse of a competitive advantage.
  - (e) Unrestricted disclosure would jeopardize the position of prominence of Westinghouse in the world market, and thereby give a market advantage to the competition of those countries.
  - (f) The Westinghouse capacity to invest corporate assets in research and development depends upon the success in obtaining and maintaining a competitive advantage.
- (iii) The information is being transmitted to the Commission in confidence and, under the provisions of 10 CFR Section 2.390, it is to be received in confidence by the Commission.
  - (iv) The information sought to be protected is not available in public sources or available information has not been previously employed in the same original manner or method to the best of our knowledge and belief.

- (v) The proprietary information sought to be withheld in this submittal is that which is appropriately marked in WCAP-16721-P, "Millstone Unit 3 Spent Fuel Pool Criticality Safety Analysis," dated March 2007 (Proprietary), for review and approval, being transmitted by Dominion Generation letter and Application for Withholding Proprietary Information from Public Disclosure, to the Document Control Desk. The proprietary information as submitted by Westinghouse for Millstone Unit 3 is for review and approval.

This information is part of that which will enable Westinghouse to:

- (a) Provide technical information in support of spent fuel pool rack criticality analysis licensing.
- (b) Assist customer to obtain license change.

Further this information has substantial commercial value as follows:

- (a) Westinghouse can use this information to further enhance their licensing position with their competitors.
- (b) The information requested to be withheld reveals the distinguishing aspects of a methodology which was developed by Westinghouse.

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 analyses 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.

Further the deponent sayeth not.

### **Proprietary Information Notice**

Transmitted herewith are proprietary and/or non-proprietary versions of documents furnished to the NRC in connection with requests for generic and/or plant-specific review and approval.

In order to conform to the requirements of 10 CFR 2.390 of the Commission's regulations concerning the protection of proprietary information so submitted to the NRC, the information which is proprietary in the proprietary versions is contained within brackets, and where the proprietary information has been deleted in the non-proprietary versions, only the brackets remain (the information that was contained within the brackets in the proprietary versions having been deleted). The justification for claiming the information so designated as proprietary is indicated in both versions by means of lower case letters (a) through (f) located as a superscript immediately following the brackets enclosing each item of information being identified as proprietary or in the margin opposite such information. These lower case letters refer to the types of information Westinghouse customarily holds in confidence identified in Sections (4)(ii)(a) through (4)(ii)(f) of the affidavit accompanying this transmittal pursuant to 10 CFR 2.390(b)(1).

### **Copyright Notice**

The reports transmitted herewith each bear a Westinghouse copyright notice. The NRC is permitted to make the number of copies of the information contained in these reports which are necessary for its internal use in connection with generic and plant-specific reviews and approvals as well as the issuance, denial, amendment, transfer, renewal, modification, suspension, revocation, or violation of a license, permit, order, or regulation subject to the requirements of 10 CFR 2.390 regarding restrictions on public disclosure to the extent such information has been identified as proprietary by Westinghouse, copyright protection notwithstanding. With respect to the non-proprietary versions of these reports, the NRC is permitted to make the number of copies beyond those necessary for its internal use which are necessary in order to have one copy available for public viewing in the appropriate docket files in the public document room in Washington, DC and in local public document rooms as may be required by NRC regulations if the number of copies submitted is insufficient for this purpose. Copies made by the NRC must include the copyright notice in all instances and the proprietary notice if the original was identified as proprietary.