

March 13, 2008

Mr. Gerald T. Bischof
Vice President, Nuclear Engineering
Virginia Electric and Power Company
Innsbrook Technical Center
5000 Dominion Boulevard
Glen Allen, VA 23060-6711

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
REGARDING MILLSTONE POWER STATION, UNIT 3 (TAC NO. MD6070)

Dear Mr. Bischof:

By letter dated July 13, 2007, as supplemented on July 13, September 12, November 19, December 13, and December 17, 2007, January 10 (4 letters), January 11 (4 letters), January 14, and January 18 (5 letters), January 31, February 25 (2 letters), March 5, and March 10 (2 letters), 2008, Dominion Nuclear Connecticut, Inc. requested a proposed Stretch Power Uprate (SPU) amendment for Millstone Power Station Unit 3 (MPS3) that would increase the unit's authorized core power level from 3411 megawatts thermal (MWt) to 3650 MWt, and make changes to technical specifications as necessary.

By letter dated January 11, 2008 (Agencywide Documents Access and Management System (ADAMS) accession number ML080170495), you referred to an affidavit executed by Mr. J. A. Gresham on behalf of Westinghouse Electric Company LLC (Westinghouse), dated June 25, 2007. By letter dated January 11, 2008, you requested that the information contained in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 2, Section 2.390:

Response to NRC Request for Additional Information on EMCB-07-0070 (Proprietary).

The affidavit executed by James A. Gresham on behalf of Westinghouse, dated June 25, 2007, requested that the information contained in the following document be withheld from public disclosure: NEU-07-128 P-Attachment, "Millstone Nuclear Power Station Unit 3 Stretch Power Uprate Program Supplemental Information," dated June 25, 2007 (Proprietary).

This affidavit, dated June 25, 2007, does not apply to the "Response to NRC Request for Additional Information on EMCB-07-0070 (Proprietary)," dated January 11, 2008. Therefore, the letter dated January 11, 2008, did not meet the requirements set forth in 10 CFR 2.390. This information was conveyed via telephone to Mr. Mohamed Elmaghrabi of your staff on January 16, 2008. Mr. Elmaghrabi stated that Dominion would submit an affidavit that applies to the "Response to NRC Request for Additional Information on EMCB-07-0070 (Proprietary)," dated January 11, 2008.

By letter dated January 31, 2008, you submitted an affidavit executed by J. A. Gresham on behalf of Westinghouse, dated January 24, 2008, requesting that the information contained in the following document be withheld from public disclosure pursuant to 10 CFR 2.390:

Response to NRC Request for Additional Information on EMCB-07-0070 (Proprietary), dated January 11, 2008.

A nonproprietary copy of this document has been placed in the 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:

- (4)(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)(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.

We have reviewed your application and the material in accordance with requirements of 10 CFR 2.390 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, the version of the submitted information marked 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.

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.

G. Bischof

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If you have any questions regarding this matter, I may be reached at 301-415-3100.

Sincerely,

/ra/

John G. Lamb, Senior Project Manager
Plant Licensing Branch 1-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-423

cc. See next page

G. Bischof

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/ra/

John G. Lamb, Senior Project Manager
Plant Licensing Branch 1-2
Division of Operating Reactor Licensing
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Millstone Power Station, Unit No. 3

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