Dominion Nuclear Connecticut, Inc.
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Dominion®

August 14, 2008

U. S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington, D. C. 20555

Serial No.: 08-0249A
NL&OS/GDM R0
Docket No.: 50-423
License No.: NPF-49

DOMINION NUCLEAR CONNECTICUT, INC.
MILLSTONE POWER STATION UNIT 3
PROPOSED LICENSE AMENDMENT REQUEST, INTERIM ALTERNATE REPAIR CRITERIA (IARC) FOR STEAM GENERATOR (SG) TUBE REPAIR
CORRECTION OF WESTINGHOUSE AUTHORIZATION LETTER AND AFFIDAVIT

By letter dated May 8, 2008 (Serial No. 08-0249), Dominion Nuclear Connecticut, Inc. (DNC) requested an amendment in the form of changes to the Technical Specifications (TS) to Facility Operating License NPF-49 for Millstone Power Station Unit 3 (MPS3).

In Enclosure 5, Westinghouse Authorization Letter CAW-08-2419, "Application for Withholding Proprietary Information from Public Disclosure," referenced an incorrect date for Westinghouse document LTR-CDME-08-43 P-Attachment, "Response to NRC Request for Additional Information Relating to LTR-CDME-08-11 P-Attachment," (included in Enclosure 3 of the May 8, 2008 DNC letter). Specifically, letter CAW-08-2419 identified the document date as March 3, 2008, whereas the actual date of LTR-CDME-08-43 P-Attachment was March 18, 2008.

Consequently, Westinghouse has provided DNC with Authorization Letter CAW-08-2464, "Application for Withholding Proprietary Information from Public Disclosure," and the associated affidavit, which include the correct date for LTR-CDME-08-43 P-Attachment as March 18, 2008.

Please replace Westinghouse letter CAW-08-2419 included in Enclosure 5 of DNC's May 8, 2008 letter with the attached Westinghouse letter CAW-08-2464. We regret any inconvenience this oversight may have caused.

If you have any questions or require additional information, please contact Mr. Gary D. Miller at (804) 273-2771.

Sincerely,

Gerald T. Bischof
Vice President – Nuclear Engineering

Commitments in this letter: None

Attachment: Westinghouse Electric Company Authorization Letter CAW-08-2464, "Application for Withholding Proprietary Information from Public Disclosure," dated August 4, 2008.

COMMONWEALTH OF VIRGINIA)
)
COUNTY OF HENRICO)

The foregoing document was acknowledged before me, in and for the County and Commonwealth aforesaid, today by Gerald T. Bischof, who is Vice President – Nuclear Engineering, of Dominion Nuclear Connecticut, Inc. He has affirmed before me that he is duly authorized to execute and file the foregoing document in behalf of that Company, and that the statements in the document are true to the best of his knowledge and belief.

Acknowledged before me this 14th day of August, 2008.

My Commission Expires: August 31, 2008.

Margaret B. Bennett
Notary Public

MARGARET B. BENNETT
Notary Public 354302
Commonwealth of Virginia
My Commission Expires Aug 31, 2008

cc: U.S. Nuclear Regulatory Commission
Region I
475 Allendale Road
King of Prussia, PA 19406-1415

Ms. C.J. Sanders
Project Manager - Millstone Power Station
U.S. Nuclear Regulatory Commission
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NRC Senior Resident Inspector
Millstone Power Station

Director
Bureau of Air Management
Monitoring and Radiation Division
Department of Environmental Protection
79 Elm Street
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ATTACHMENT

Westinghouse Electric Company Authorization Letter CAW-08-2464, "Application for Withholding Proprietary Information from Public Disclosure," dated August 4, 2008

DOMINION NUCLEAR CONNECTICUT, INC.
MILLSTONE POWER STATION UNIT 3

Westinghouse

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Our ref: CAW-08-2464

August 4, 2008

APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE

Subject: LTR-CDME-08-43 P-Attachment, "Response to NRC Request for Additional Information Relating to LTR-CDME-08-11 P-Attachment," dated March 18, 2008 (Proprietary)

The proprietary information for which withholding is being requested in the above-referenced report is further identified in Affidavit CAW-08-2464 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 Connecticut.

Correspondence with respect to the proprietary aspects of the application for withholding or the Westinghouse affidavit should reference this letter, CAW-08-2464, 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,

J.A. Gresham, Manager
Regulatory Compliance and Plant Licensing

Enclosures

cc: George Bacuta (NRC OWFN 12E-1)

bcc: J. A. Gresham (ECE 4-7A) 1L
R. Bastien, 1L (Nivelles, Belgium)
C. Brinkman, 1L (Westinghouse Electric Co., 12300 Twinbrook Parkway, Suite 330, Rockville, MD 20852)
RCPL Administrative Aide (ECE 4-7A) 1L (letter and affidavit only)
G. W. Whiteman, Waltz Mill
H. O. Lagally, Waltz Mill
C. D. Cassino, Waltz Mill
J. T. Kandra, Waltz Mill
D. L. Rogosky, ECE 564B

CAW-08-2464

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

ss

COUNTY OF ALLEGHENY:

Before me, the undersigned authority, personally appeared J. A. Gresham, 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:

J. A. Gresham, Manager
Regulatory Compliance and Plant Licensing

Sworn to and subscribed before me
this 4th day of August 2008

Sharon L. Markle
Notary Public

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Sharon L. Markle, Notary Public
Monroeville Boro, Allegheny County
My Commission Expires Jan. 29, 2011
Member, Pennsylvania Association of Notaries

(1) I am 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 constitute Westinghouse policy and provide 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 LTR-CDME-08-43 P-Attachment, "Response to NRC Request for Additional Information (RAI) Relating to LTR-CDME-08-11 P-Attachment," dated March 18, 2008 (Proprietary), for submittal to the Commission, being transmitted by Dominion Connecticut Application for Withholding Proprietary Information from Public Disclosure to the Document Control Desk. The proprietary information as submitted for use by Westinghouse for Millstone Unit 3 is expected to be applicable to other licensee submittals in support of implementing an interim alternate repair criterion (IARC) that requires a full-length inspection of the tubes within the tubesheet but does not require plugging tubes with a certain arc length of circumferential cracking below 17 inches from the top of the tubesheet.

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

(a) Provide documentation of the analyses, methods, and testing for the implementation of an interim alternate repair criterion for the portion if the tubes within the tubesheet of the Millstone Unit 3 steam generators.

(b) Assist the customer in obtaining NRC approval of the Technical Specification changes associated with the interim alternate repair criterion.

Further this information has substantial commercial value as follows:

(a) Westinghouse plans to sell the use of similar information to its customers for the purposes of meeting NRC requirements for licensing documentation.

(b) Westinghouse can sell support and defense of the technology to its customers in the licensing process.

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 calculation, evaluation 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).

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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.