



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

February 3, 2009

Ms. Leslie N. Hartz
Vice President – Nuclear Support Services
Dominion Nuclear Connecticut, Inc.
5000 Dominion Boulevard
Glen Allen, VA 23060-6711

**SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
REGARDING MILLSTONE POWER STATION, UNIT NO. 3 (TAC NO. MD8251)**

Dear Ms. Hartz:

By letter dated September 30, 2008 (Agencywide Documents Access and Management System Accession Number ML082770113), Dominion Nuclear Connecticut, Inc. resounded to a request for additional information regarding Millstone Power Station, Unit No. 3 (MPS3) spent fuel pool storage license amendment request.

In this letter you referred to an affidavit executed by Mr. J. A. Gresham, Manager, Regulatory Compliance and Plant Licensing, on behalf of Westinghouse Electric Company LLC (Westinghouse), dated September 17, 2008, and 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:

NEU-08-50, Revision 1, Proprietary, "Westinghouse Response to Request for Additional Information (RAI) Regarding the Spent Fuel Pool Criticality Amendment Request" (Proprietary).

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.

The NRC staff has reviewed your application and the material in accordance with requirements of 10 CFR 2.390 and, on the basis of your statements, have determined

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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.

If you have any questions regarding this matter, I may be reached at 301-415-1603.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carleen J. Sanders', written over a printed name.

Carleen J. Sanders, 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

Millstone Power Station, Unit No. 3

cc:

J. A. Gresham, Manager
Regulatory Compliance and Plant Licensing
Westinghouse Electric Comapnay LLc
P.O. Box 355
Pittsburgh, PA 15230-0355

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/ra/

Carleen J. Sanders, Project Manager
Plant Licensing Branch 1-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

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cc: See next page

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