

Dominion Nuclear Connecticut, Inc.
Millstone Power Station
Rope Ferry Road
Waterford, CT 06385



DominionSM

JUL 01 2009

PROPRIETARY INFORMATION – WITHHOLD UNDER 10 CFR 2.390

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

Serial No. 09-186B
NSSL/RWM R0
Docket No. 50-423
License No. NPF-49

DOMINION NUCLEAR CONNECTICUT, INC.
MILLSTONE POWER STATION UNIT 3
TEST RESULTS FOR GAS-WATER TRANSPORT TESTS

Dominion Nuclear Connecticut, Inc. (DNC) herein provides by enclosures, both proprietary and non-proprietary versions of a Fauske & Associates, LLC (FAI) report regarding the gas-water transport experimental study for Millstone Power Station Unit 3 concerning piping connected to the Refueling Water Storage Tank (RWST) and the Emergency Core Cooling System (ECCS) pumps. Information in the enclosures supplements DNC letter dated April 20, 2009 (ADAMS Accession No. ML091170138), and corrects deficiencies associated with the labeling of proprietary information as described by a June 5, 2009 Nuclear Regulatory Commission (NRC) letter to DNC (ADAMS Accession No. ML091310428). This letter is a resubmittal of the DNC letter (Serial No. 09-186A) on the same topic, which was issued on June 25, 2009 and mailed without a letter date.

Enclosed are:

1. DNC Responses to Describe Corrected Deficiencies in the Presentation of Proprietary Information. (Enclosure 1 is Non-Proprietary).
2. One copy of the Non-Proprietary report FAI/09-44R "Post-Test Analysis of the FAI Millstone 3 RWST 1/4 Scale Gas Entrainment Test," March 2009. (Enclosure 2 is Non-Proprietary).
3. FAI letter from Robert E. Henry, May 22, 2009, including one copy of the Application for Withholding, AW-09-01 (Non-Proprietary) with Proprietary Information Notice and one copy of Affidavit (Non-Proprietary). Note that copies of reports FAI/09-44 and FAI/09-44R are omitted from this enclosure. (Enclosure 3 is Non-Proprietary).
4. One proprietary copy, with a Proprietary Information Notice and Copyright Notice, of "Post-Test Analysis of the FAI Millstone 3 RWST 1/4 Scale Gas Entrainment Test" report FAI/09-44, March 2009. (Enclosure 4 is Proprietary).

Enclosure 4 contains information proprietary to FAI. It is supported by an affidavit in Enclosure 3 that is signed by the owner of the information. The affidavit sets forth the basis by which the information may be withheld from public disclosure by the Commission and addresses with specificity the considerations listed in paragraph (b)(4) of Section 2.390 of the Commission's regulations.

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NRC

ENCLOSURE 4 TO THIS LETTER CONTAINS PROPRIETARY INFORMATION – WITHHOLD UNDER 10 CFR 2.390. UPON SEPARATION OF ENCLOSURE 4, THIS LETTER IS DECONTROLLED.

Accordingly, it is respectfully requested that the information which is proprietary to FAI be withheld from public disclosure in accordance with 10 CFR 2.390.

Correspondence with respect to the Application for Withholding or the accompanying affidavit should reference AW-09-01 and should be addressed to Robert E. Henry, Senior Vice President, Fauske & Associates, LLC, 16W070 83rd Street, Burr Ridge, Illinois 60527.

Should you have any questions about the information provided or require additional information, please contact Mr. William D. Bartron at (860) 444-4301.

Sincerely,



A. J. Jordan

A. J. Jordan
Site Vice President – Millstone

Enclosures: (4)

Commitments made by this letter: None

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

Ms. C. J. Sanders (with enclosures)
Project Manager
U.S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
Mail Stop 8B3
Rockville, MD 20852-2738

NRC Senior Resident Inspector (w/o enclosures)
Millstone Power Station

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UNDER 10 CFR 2.390. UPON SEPARATION OF ENCLOSURE 4, THIS LETTER IS
DECONTROLLED.**

ENCLOSURE 1

(Non-Proprietary)

**DNC RESPONSES TO DESCRIBE CORRECTED DEFICIENCIES IN THE
PRESENTATION OF PROPRIETARY INFORMATION**

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

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ENCLOSURE 1

**DNC RESPONSES TO DESCRIBE CORRECTED DEFICIENCIES IN THE
PRESENTATION OF PROPRIETARY INFORMATION**

Information in these enclosures supplements Dominion Nuclear Connecticut, Inc. (DNC) letter dated April 20, 2009 (ADAMS Accession No. ML091170138), and corrects deficiencies associated with the labeling of proprietary information of Fauske & Associates, LLC., (FAI) as described by a June 5, 2009 Nuclear Regulatory Commission (NRC) letter to DNC (ADAMS Accession No. ML091310428).

NRC Identified Deficiency 1:

1. Enclosure 1 was submitted by DNC as the non-proprietary FAI report, and Enclosure 1 has no redaction markings (i.e., brackets and basis for withholding the information). Also, Enclosure 1, Appendix B contains a page marked "FAI Proprietary;" without any other markings or information. Enclosure 1, Appendix C also contains a page marked "FAI Proprietary;" without any other markings or information present.

DNC Response:

A redacted version of the report, FAI/09-44R, has been provided in Enclosure 2 of this letter. A proprietary version of the report, FAI/09-44, is provided in Enclosure 4. Both reports include brackets in Appendices B and C that have been annotated to show a basis for withholding the information. The proprietary parts of Appendix B are bracketed and identified with an "a" at the bottom of the brackets. Similarly the proprietary parts of Appendix C are bracketed and identified with the letter "b" at the bottom. These lower case letters refer to the types of information FAI 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). Specifically:

- (a) The information reveals the distinguishing aspects of a process (or component, structure, tool, method, etc.) where prevention of its use by any of FAI's competitors without license from FAI constitutes a competitive economic advantage over other companies.*

Note that while specific equations in Appendix B appear as information readily available to the public that may have been obtained from a public/professional reference, the precise use of the equations shown by the appendix reveal a combination of steps that are taken to resolve a problem, which constitutes a distinguishing aspect of a process, as described by (a) above.

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(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.

Appendix C shows the precise inputs settled upon to model the effect of gas void transport for these tests, fitting a basis for withholding as described by (b) above.

NRC Identified Deficiency 2:

2. Enclosure 3 is marked as "FAI Proprietary" at the bottom of the first page and at the bottom of all subsequent pages. There are no markings at the top of the first page or the subsequent pages. In addition, there are no markings specifying what information is proprietary and should be withheld from public disclosure under 10 CFR 2.390(a).

DNC Response:

Proprietary markings have been relocated to the top of the pages in the revised proprietary report in Enclosure 4. Annotated brackets have been used to specify what information is proprietary with the basis for withholding the information from public disclosure as defined in the affidavit in Sections (4)(ii)(a) and (4)(ii)(b).

NRC Identified Deficiency 3:

3. Enclosure 3, Appendix B, contains calculations generally considered readily available to the public. This information is not provided in Enclosure 1.

DNC Response:

FAI has bracketed the proprietary information of FAI/09-44 and placed adjacent to the proprietary information annotations referring to Section (4)(ii)(a) of the affidavit, providing the basis for withholding the proprietary information. Note that while specific equations in Appendix B appear as information readily available to the public that may have been obtained from a public/professional reference, the precise use of the equations shown by the appendix reveal a combination of steps that are taken to resolve a problem, which constitutes a distinguishing aspect of a process, as described by (4)(ii)(a) of the affidavit accompanying this transmittal pursuant to 10 CFR 2.390(b)(1).

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