



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

August 21, 2009

Mr. David A. Heacock  
President and Chief Nuclear Officer  
Dominion Nuclear Connecticut, Inc.  
Innsbrook Technical Center  
5000 Dominion Boulevard  
Glen Allen, VA 23060-6711

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE  
FOR MILLSTONE POWER STATION, UNIT NO. 3

Dear Mr. Heacock:

By letter dated April 20, 2009 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML091170138), Dominion Nuclear Connecticut, Inc. (DNC) submitted, "Test Results for Gas-Water Transportation Tests," for Millstone Power Station, Unit No. 3 (MPS 3). As part of the submittal, DNC submitted an affidavit dated March 23, 2009, executed by Mr. Robert E. Henry, Senior Vice President, Fauske & Associated, LLC (FAI) requesting 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), Section 2.390:

"Post Test Analysis of the FAI Millstone 3 RWST [refueling water storage tank] ¼ Scale Gas Entrainment Test," designated FAI/09-44, dated March 13, 2009

By letter dated June 5, 2009 (ADAMS Accession No. ML091310428), the U.S. Nuclear Regulatory Commission (NRC) informed DNC of deficiencies associated with their request for withholding. By letter dated July 1, 2009 (ADAMS Accession No. ML091910457), DNC resubmitted their request for MPS 3 which addressed the deficiencies noted in the April 20, 2009, submittal. DNC also submitted a new affidavit dated May 22, 2009, executed by Mr. Robert E. Henry, requesting 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), Section 2.390:

"Post Test Analysis of the FAI Millstone 3 RWST [refueling water storage tank] ¼ Scale Gas Entrainment Test," designated FAI/09-44, dated March 13, 2009

A nonproprietary copy of this document has been placed in the NRC's Public Document Room and added to the ADAMS Public Electronic Reading Room (ADAMS Accession No. ML091910458).

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- (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.

- (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.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavit, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

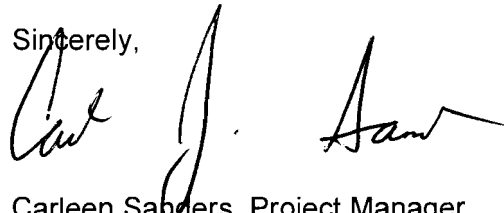
Therefore, the version of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

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,



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

Docket No. 50-423

cc:

Robert E. Henry  
Senior Vice President  
Fauske & Associates, LLC  
16W070 83<sup>rd</sup> Street  
Burr Ridge, Illinois 60527

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*/ra/*  
 Carleen Sanders, Project Manager  
 Plant Licensing Branch, I-2  
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Docket No. 50-423

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Robert E. Henry  
 Senior Vice President  
 Fauske & Associates, LLC  
 16W070 83<sup>rd</sup> Street  
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