

August 22, 2006

Ms. Gayle F. Elliott, Manager
Product Licensing in Regulatory Affairs
Framatome ANP, Inc.
3315 Old Forest Road
PO Box 10935
Lynchburg, VA 24506-0935

SUBJECT: FRAMATOME ANP, INC. REQUEST FOR WITHHOLDING INFORMATION
FROM PUBLIC DISCLOSURE (FAB04-1430) FOR MILLSTONE POWER
STATION UNIT NO. 2 (TAC NO. MC6505)

Dear Ms. Elliot:

By Dominion Nuclear Connecticut, Inc. (DNC) letter 04-732 dated December 22, 2004, and Framatome ANP, Inc. (FANP) affidavit dated December 13, 2004 (Attachment 3 to DNC letter 04-732), DNC 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) Section 2.790¹:

Selective Implementation of the Alternative Source Term - Fuel Handling Accident
Analysis: Fuel Assembly, Fuel Rod, and Core Performance Data (Attachment 1 to DNC
letter 04-732)

A nonproprietary copy of this document (Attachment 2 to DNC letter 04-732), 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.

As follows, the affidavit contained information demonstrating that the submitted information should be considered exempt from mandatory public disclosure:

- (1) The information is of the type typically held in confidence by FANP, and is in fact so held.
- (2) The information was transmitted to the Nuclear Regulatory Commission in confidence.
- (3) The information has not been publically disclosed, nor is it available in public sources.
- (4) Public disclosure of the information would be likely to cause substantial harm to the competitive position of FANP because it would enhance the ability of competitors to design, produce, or market a similar product or service without commensurate expenses.

¹Section 2.790 of 10 CFR was renumbered to 2.390, without substantive change, by rule dated January 14, 2004 (69 FR 2182). The rule became effective February 13, 2004, therefore further reference to Section 2.790 in this letter will no longer be used and instead be replaced by reference to Section 2.390.

We have reviewed your application and the material in accordance with the 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 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) 415-1484.

Sincerely,

/RA by G. Ed Miller for/

Victor Nerses, Senior Project Manager
Plant Licensing Branch I-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-336

cc: See next page

G. Elliott

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Millstone Power Station, Unit No. 2

cc:

Lillian M. Cuoco, Esquire
Senior Counsel
Dominion Resources Services, Inc.
Building 475, 5th Floor
Rope Ferry Road
Waterford, CT 06385

Edward L. Wilds, Jr., Ph.D.
Director, Division of Radiation
Department of Environmental Protection
79 Elm Street
Hartford, CT 06106-5127

Regional Administrator, Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406

First Selectmen
Town of Waterford
15 Rope Ferry Road
Waterford, CT 06385

Charles Brinkman, Director
Washington Operations Nuclear Services
Westinghouse Electric Company
12300 Twinbrook Pkwy, Suite 330
Rockville, MD 20852

Senior Resident Inspector
Millstone Power Station
c/o U.S. Nuclear Regulatory Commission
P.O. Box 513
Niantic, CT 06357

Mr. J. Alan Price
Site Vice President
Dominion Nuclear Connecticut, Inc.
Building 475, 5th Floor
Rope Ferry Road
Waterford, CT 06385

Mr. J. W. "Bill" Sheehan
Co-Chair NEAC
19 Laurel Crest Drive
Waterford, CT 06385

Mr. Evan W. Woollacott
Co-Chair
Nuclear Energy Advisory Council
128 Terry's Plain Road
Simsbury, CT 06070

Ms. Nancy Burton
147 Cross Highway
Redding Ridge, CT 00870

Mr. Chris L. Funderburk
Director, Nuclear Licensing and
Operations Support
Dominion Resources Services, Inc.
Innsbrook Technical Center
5000 Dominion Boulevard
Glen Allen, VA 23060-6711

Mr. David W. Dodson
Licensing Supervisor
Dominion Nuclear Connecticut, Inc.
Building 475, 5th Floor
Rope Ferry Road
Waterford, CT 06385

Mr. Joseph Roy,
Director of Operations
Massachusetts Municipal Wholesale
Electric Company
Moody Street
P.O. Box 426
Ludlow, MA 01056