

February 2, 2004

Ms. Margaret E. Harding, Manager  
Fuel Engineering Services  
Global Nuclear Fuel - Americas, LLC  
P.O. Box 780  
Wilmington, NC 28402

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE,  
VERMONT YANKEE NUCLEAR POWER STATION (TAC NO. MC1482)

Dear Ms. Harding:

By Entergy letter BVY 03-114 dated December 5, 2003, and Global Nuclear Fuel - Americas, LLC (GNF-A) affidavit dated November 5, 2003, executed by you (part of Attachment 5 to letter BVY 03-114), GNF-A 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 2.790:

"Additional Information Regarding the Cycle Specific SLMCPR [Safety Limit Minimum Critical Power Ratio] for Vermont Yankee Cycle 24"

A nonproprietary copy of this document (Attachment 6 to letter BVY 03-114), 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:

- (1) The information sought to be withheld is being submitted to [the] NRC in confidence. The information is of a sort customarily held in confidence by GNF-A, and is in fact so held.
- (2) The information sought to be withheld has, to the best of my knowledge and belief, consistently been held in confidence by GNF-A, no public disclosure has been made, and it is not available in public sources. All disclosures to third parties including any required transmittals to the NRC, have been made, or must be made, pursuant to the regulatory provisions or proprietary agreements which provide for maintenance of the information in confidence.
- (3) The information [in the subject document] is classified as proprietary because it contains details of GNF-A's fuel design and licensing methodology. The development of the methods used in these analyses, along with the testing, development and approval of the supporting methodology was achieved at a significant cost, on the order of several million dollars, to GNF-A or its licensor.
- (4) Public disclosure of the information sought to be withheld is likely to cause substantial harm to GNF-A's competitive position and foreclose or reduce the availability of profit-making opportunities.

- (5) The research, development, engineering, analytical, and NRC review costs comprise a substantial investment of time and money by GNF-A or its licensor. The precise value of the expertise to devise an evaluation process and apply the correct analytical methodology is difficult to quantify, but it clearly is substantial. GNF's competitive advantage will be lost if its competitors are able to use the results of GNF-A experience to normalize or verify their own process or if they are able to claim an equivalent understanding by demonstrating that they can arrive at the same or similar conclusions.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 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 2.790(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 301-415-1420.

Sincerely,

*/RA/*

Richard B. Ennis, Senior Project Manager, Section 2  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-271

cc: See next page

- (5) The research, development, engineering, analytical, and NRC review costs comprise a substantial investment of time and money by GNF-A or its licensor. The precise value of the expertise to devise an evaluation process and apply the correct analytical methodology is difficult to quantify, but it clearly is substantial. GNF's competitive advantage will be lost if its competitors are able to use the results of GNF-A experience to normalize or verify their own process or if they are able to claim an equivalent understanding by demonstrating that they can arrive at the same or similar conclusions.

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DATE	1/22/04	1/22/04	1/23/04	1/29/04	1/30/04

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Vermont Yankee Nuclear Power Station

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