

February 2, 2004

Mr. David E. W. Leaver
Polestar Applied Technology, Inc.
One First Street, Suite 4
Los Altos, CA 94022

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE,
VERMONT YANKEE NUCLEAR POWER STATION (TAC NO. MC0253)

Dear Mr. Leaver:

By Entergy letter BZY 03-116 dated December 11, 2003, and Polestar Applied Technology, Inc. (Polestar) affidavit dated September 24, 2003, executed by you (Attachment 2 to Entergy letter BZY 03-92 dated October 10, 2003), Polestar 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:

Calculation PSAT 3019CF.QA.04, "Post LOCA [loss-of-coolant accident] Suppression Pool pH for Vermont Yankee"

A nonproprietary copy of this document (Attachment 2 to letter BZY 03-116), 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 Entergy (and, we trust, to NRC) in confidence. The information is of a sort customarily held in confidence by Polestar, and is in fact so held. The information sought to be withheld has, to the best of my knowledge and belief, consistently been held in confidence by Polestar, no public disclosure has been made, and it is not available in public sources. All disclosures to third parties including any required transmittals to NRC, have been made, or must be made, pursuant to regulatory provisions or proprietary agreements which provide for maintenance of the information in confidence.
- (2) The information [in calculation PSAT 3019CF.QA.04] is classified as proprietary because it contains detailed information on and results from trade secret methodologies developed by Polestar and applied under the Polestar 10 CFR 50, Appendix B Quality Assurance Program.
- (3) The trade secrets used in this Vermont Yankee work are several of a number of Polestar developed methods, models, and codes. Development of these methods, models, and codes was achieved at a significant cost to Polestar, well over \$100,000, which is a significant fraction of internal research and development resources available to a company the size of Polestar.

- (4) Public disclosure of the information sought to be withheld is likely to cause substantial harm to Polestar's competitive position and foreclose or reduce the availability of profit-making opportunities.
- (5) Polestar's competitive advantage will be lost if its competitors are able to use the results of the Polestar 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 the 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

- (4) Public disclosure of the information sought to be withheld is likely to cause substantial harm to Polestar's competitive position and foreclose or reduce the availability of profit-making opportunities.
- (5) Polestar's competitive advantage will be lost if its competitors are able to use the results of the Polestar 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 the 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.

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Richard B. Ennis, Senior Project Manager, Section 2
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Vermont Yankee Nuclear Power Station

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Vermont Yankee Nuclear Power Station

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