



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001
September 14, 1998

Mr. Gregory A. Maret
Director of Operations
Vermont Yankee Nuclear Power Corporation
185 Old Ferry Road
Brattleboro, VT 05301

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
VERMONT YANKEE NUCLEAR POWER STATION (TAC NO. MA3490)

Dear Mr. Maret:

By letter dated September 4, 1998, Mr. Don M. Leach of Vermont Yankee Nuclear Power Corporation submitted Holtec International's affidavit dated August 27, 1998, executed by Mr. Michael P. McNamara, requesting that Holtec Report HI-981932, "Vermont Yankee Nuclear Power Station Spent Fuel Storage Expansion Project," dated August 1998 be withheld from public disclosure pursuant to 10 CFR 2.790. A non-proprietary version of the document was also submitted for placement in the public document room. The information which is proprietary in the proprietary version is indicated with backshading, and where the proprietary information has been deleted in the non-proprietary version, only backshading remains (information that was backshaded in the proprietary version having been deleted).

The affidavit stated that the information submitted should be considered exempt from mandatory public disclosure since it constitutes:

- a. Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by Holtec's competitors without license from Holtec International constitutes a competitive economic advantage over other companies;
- b. Information which, if used by a competitor, would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product;
- c. Information which reveals aspects of past, present, or future Holtec International customer-funded development plans and programs of potential commercial value to Holtec International;
- d. Information which discloses patentable subject matter for which it may be desirable to obtain patent protection.

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 trade secrets or proprietary commercial information.

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.

Sincerely,

Original signed by

Richard P. Croteau, Project Manager
Project Directorate I-3
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket No. 50-271

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