

VERMONT YANKEE NUCLEAR POWER CORPORATION

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April 16, 1999
BVY 99-59

U. S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555

Subject: Vermont Yankee Nuclear Power Station
License No. DPR-28 (Docket No. 50-271)
Supplement to Technical Specification Proposed Change No. 207
Spent Fuel Pool Storage Capacity Expansion

By letter dated February 8, 1999, Vermont Yankee (VY) submitted Technical Specification Proposed Change No. 207 to increase the spent fuel storage capacity of the VY spent fuel pool from 2,870 to 3,355 fuel assemblies. Our submittal contained a Technical Report, completed to support the fuel pool storage capacity expansion. In section 4.5.2.5 of the Technical Report, VY identified the fuel enrichment uncertainty as 0.013wt.% ²³⁵U. Subsequent analysis expanded the fuel enrichment uncertainty value to 0.05wt.% ²³⁵U. In our letter dated February 8, 1999, we submitted corrected pages to our Technical Report identifying the proper fuel enrichment and corresponding related changes. It has since been identified that an additional page warrants correction as a result of the fuel enrichment issue. Accordingly, we hereby submit an additional corrected page to our Technical Report. The revised page contains vertical lines and an "R1" indicating the areas of change.

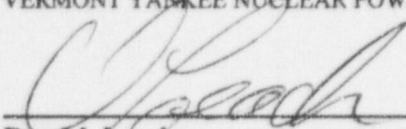
Attachment 1 contains the revised page of the Technical Report. It is noted that this page contains proprietary information and it is requested that this information be withheld from public disclosure per 10CFR2.790(a)(4). Attachment 1 also contains Holtec International's affidavit for the proprietary information contained within the attachment. Attachment 2 provides the revised page of the Technical Report in a non-proprietary format, and is provided for public disclosure.

This submittal does not change the no significant hazards consideration conclusion or the environmental impact evaluation conclusion contained within our original submittal.

If you have any questions on this transmittal, please contact Mr. Thomas B. Silko at (802) 258-4146.

Sincerely,

VERMONT YANKEE NUCLEAR POWER CORPORATION


Don M. Leach
Vice President, Engineering

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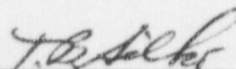
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U.S. Nuclear Regulatory Commission
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STATE OF VERMONT)
)ss
WINDHAM COUNTY)

Then personally appeared before me, Don M. Leach, who, being duly sworn, did state that he is Vice President, Engineering of Vermont Yankee Nuclear Power Corporation, that he is duly authorized to execute and file the foregoing document in the name and on the behalf of Vermont Yankee Nuclear Power Corporation, and that the statements therein are true to the best of his knowledge and belief.



Thomas B. Silko, Notary Public
My Commission Expires February 10, 2003

Attachments

cc: USNRC Region 1 Administrator
 USNRC Resident Inspector - VYNPS
 USNRC Project Manager - VYNPS
 Vermont Department of Public Service

AFFIDAVIT PURSUANT TO 10CFR2.790

I, Michael P. McNamara, being duly sworn, depose and state as follows:

- (1) I am the Director of Nuclear Projects for Holtec International and have been delegated the function of reviewing the information described in paragraph (2) which is sought to be withheld, and have been authorized to apply for its withholding.
- (2) The information sought to be withheld is contained in the revised pages to the original document entitled "Vermont Yankee Nuclear Power Station Spent Fuel Storage Expansion Project," Holtec Report HI-981932. The proprietary information is designated with backshading.
- (3) In making this application for withholding of proprietary information of which it is the owner, Holtec International relies upon the exemption from disclosure set forth in the Freedom of Information Act ("FOIA"), 5 USC Sec. 552(b)(4) and the Trade Secrets Act, 18 USC Sec. 1905, and NRC regulations 10CFR Part 9.17(a)(4), 2.790(a)(4), and 2.790(b)(1) for "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (Exemption 4). The material for which exemption from disclosure is here sought is all "confidential commercial information", and some portions also qualify under the narrower definition of "trade secret", within the meanings assigned to those terms for purposes of FOIA Exemption 4 in, respectively, Critical Mass Energy Project v. Nuclear Regulatory Commission, 975F2d871 (DC Cir. 1992), and Public Citizen Health Research Group v. FDA, 704F2d1280 (DC Cir. 1983).
- (4) Some examples of categories of information which fit into the definition of proprietary information are:
 - 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;

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- 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 cost or price information, production, capacities, budget levels, or commercial strategies of Holtec International, its customers, or its suppliers;
- d. Information which reveals aspects of past, present, or future Holtec International customer-funded development plans and programs of potential commercial value to Holtec International;
- e. Information which discloses patentable subject matter for which it may be desirable to obtain patent protection.

The information sought to be withheld is considered to be proprietary for the reasons set forth in paragraphs 4.a, 4.b, 4.d, and 4.e, above.

- (5) The information sought to be withheld is being submitted to the NRC in confidence. The information (including that compiled from many sources) is of a sort customarily held in confidence by Holtec International, 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 Holtec International. 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 regulatory provisions or proprietary agreements which provide for maintenance of the information in confidence. Its initial designation as proprietary information, and the subsequent steps taken to prevent its unauthorized disclosure, are as set forth in paragraphs (6) and (7) following.
- (6) Initial approval of proprietary treatment of a document is made by the manager of the originating component, the person most likely to be acquainted with the value and sensitivity of the information in relation to industry knowledge. Access to such documents within Holtec International is limited on a "need to

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know" basis.

- (7) The procedure for approval of external release of such a document typically requires review by the staff manager, project manager, principal scientist or other equivalent authority, by the manager of the cognizant marketing function (or his designee), and by the Legal Operation, for technical content, competitive effect, and determination of the accuracy of the proprietary designation. Disclosures outside Holtec International are limited to regulatory bodies, customers, and potential customers, and their agents, suppliers, and licensees, and others with a legitimate need for the information, and then only in accordance with appropriate regulatory provisions or proprietary agreements.
- (8) The information classified as proprietary was developed and compiled by Holtec International at a significant cost to Holtec International. This information is classified as proprietary because it contains detailed historical data and analytical results not available elsewhere. This information would provide other parties, including competitors, with information from Holtec International's technical database and the results of evaluations performed using codes developed by Holtec International. Release of this information would improve a competitor's position without the competitor having to expend similar resources for the development of the database. A substantial effort has been expended by Holtec International to develop this information.
- (9) Public disclosure of the information sought to be withheld is likely to cause substantial harm to Holtec International's competitive position and foreclose or reduce the availability of profit-making opportunities. The information is part of Holtec International's comprehensive spent fuel storage technology base, and its commercial value extends beyond the original development cost. The value of the technology base goes beyond the extensive physical database and analytical methodology, and includes development of the expertise to determine and apply the appropriate evaluation process.

The research, development, engineering, and analytical costs comprise a substantial investment of time and money by Holtec International.

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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.

Holtec International's competitive advantage will be lost if its competitors are able to use the results of the Holtec International 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.

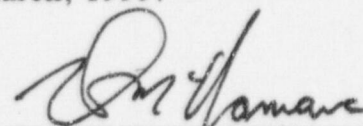
The value of this information to Holtec International would be lost if the information were disclosed to the public. Making such information available to competitors without their having been required to undertake a similar expenditure of resources would unfairly provide competitors with a windfall, and deprive Holtec International of the opportunity to exercise its competitive advantage to seek an adequate return on its large investment in developing these very valuable analytical tools.

STATE OF NEW JERSEY)
) ss:
COUNTY OF BURLINGTON)

Michael P. McNamara, being duly sworn, deposes and says:

That he has read the foregoing affidavit and the matters stated therein are true and correct to the best of his knowledge, information, and belief.

Executed at Marlton, New Jersey, this 31st day of March, 1999.



Michael P. McNamara
Holtec International

Subscribed and sworn before me this 31 day of March, 1999.

Docket No. 50-271

BVY 99-59

Attachment 2

Vermont Yankee Nuclear Power Station

Proposed Technical Specification Change No. 207

Spent Fuel Pool Storage Capacity Expansion

Revised page of Technical Report for the Vermont Yankee Spent Fuel Pool Storage Expansion

Non-proprietary Version