

October 30, 2003

MEMORANDUM TO: Docket File

FROM: Robert M. Pulsifer, Project Manager, Section 2 /RA/
Project Directorate I
Office of Nuclear Reactor Regulation

SUBJECT: VERMONT YANKEE NUCLEAR POWER STATION, DOCKET NO.
50-271, WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE

On July 31, 2003 and October 10, 2003 Entergy Nuclear Vermont Yankee, LLC (ENVY), and Entergy Nuclear Operations, Inc. (ENO) submitted proprietary documents related to alternative source term (AST), technical specification (TS) proposed change number 262. On September 10, 2003, ENVY and ENO also submitted proprietary documentation related to extended power uprate (EPU), TS proposed change number 263.

There is insufficient time to prepare and send an approval letter to the respective owners before the meeting on October 30, 2003. The AST proprietary information was recently changed to reflect some administrative changes. The EPU information was to be reviewed with a letter on the subsequent evaluation by December 3, 2003 in accordance with the EPU review schedule.

In order to provide the staff the opportunity to ask questions relating to the proprietary information during this meeting, the proprietary information has been reviewed as discussed below:

By letters dated July 31, 2003, and October 10, 2003, ENVY and ENO submitted affidavits dated July 29, 2003, and September 24, 2003, respectively, executed by David E.W. Leaver, Polestar Applied Technology, Inc. (Polestar), requesting that the information contained in the following documents be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790:

PSAT 3019CF.QA.04, PSAT 3019CF.QA.08, and PSAT 3019CF.QA.09

A nonproprietary copy of these documents have been placed in the Nuclear Regulatory Commission's Public Document Room and added to the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room. (ADAMS ML032190650)

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- a. Information that discloses a process or method, including supporting data and analyses, where prevention of its use by Polestar's competitors without license from Polestar constitutes a competitive economic advantage over other companies.

CONTACT: Robert Pulsifer
301-415-3016

- b. Information which, if used by a competitor, would significantly reduce his expenditure of resources or improve his competitive position in the analysis, design, assurance of quality, or licensing of a similar product.

We have reviewed the application and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of Polestar's statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

By letter dated September 10, 2003, ENVY and ENO submitted an affidavit dated September 4, 2003, executed by David J. Robare, General Electric Company, requesting that the information contained in the following document be withheld from public disclosure pursuant to 10 CFR 2.790:

"Safety Analysis Report for Vermont Yankee Nuclear Power Station Constant Pressure Power Uprate," Revision 0, (NEDC-33090P)

A nonproprietary copy of this document has been placed in the NRC's Public Document Room and added to ADAMS Public Electronic Reading Room. (ADAMS ML032580089)

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- a. Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by General Electric's competitors without license from General Electric 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.

We have reviewed this application and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of General Electric's statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

This memo was issued in accordance with NRR Office Instruction (OI), LIC-204, Revision 1, Section 4.7(c), "Handling Requests to Withhold Proprietary Information from Public Disclosure." This OI provides for issuing a memorandum to file documenting the basis for the proprietary determination. This memo is to be made available at a meeting where proprietary information is to be discussed if there is insufficient time to prepare and send an approval letter to the owner before the meeting. The approval letters for these proprietary documents will be forthcoming.

- b. Information which, if used by a competitor, would significantly reduce his expenditure of resources or improve his competitive position in the analysis, design, assurance of quality, or licensing of a similar product.

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PUBLIC J. Clifford R. Pulsifer C. Raynor MO'Brien C.Holzle
PDI-2 R/F
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OFFICE	PDI-2/PM	PDI-2/LA	OGC	PDI-2/SC
NAME	RPulsifer	CRaynor, MO'Brien for CRaynor-changes only	TRothschild for CHolzle	JClifford
DATE	10/30/2003	10/27/2003, 10/28/2003	10/29/03	10/30/03

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