

December 1, 2004

Mr. Alan J. Bilanin  
President  
Continuum Dynamics, Inc.  
34 Lexington Avenue  
Ewing, NJ 08618-2302

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC  
DISCLOSURE, VERMONT YANKEE NUCLEAR POWER STATION  
(TAC NO. MC0761)

Dear Mr. Bilanin:

By Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc. (Entergy) letter BVY 04-113 dated October 7, 2004, and your affidavit dated October 6, 2004, included in Attachment 4 with the Entergy letter, you requested 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 2.390:

"Vermont Yankee Nuclear Power Station, Proposed Technical Specification Change No. 263 - Supplement No. 20, Extended Power Uprate - Meeting on Steam Dryer Analysis, Meeting Presentation Slides" (Attachment 1 to Entergy letter BVY 04-113)

"Methodology to Determine Unsteady Pressure Loading on Components in Reactor Steam Domes", Revision 3, CDI [Continuum Dynamics, Inc] Report No. 04-09P, dated September 2004 (Attachment 3 to Entergy letter BVY 04-113)

A nonproprietary copy of the first document (Attachment 2 to Entergy letter BVY 04-113) has been placed in the NRC's Public Document Room and added to the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room.<sup>1</sup> As the second document is considered by CDI to be proprietary in its entirety, there is no nonproprietary version.

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

- a. Information that summarizes a process or method, including supporting data and analysis, where prevention of its use by CDI's competitors without license from CDI constitutes a competitive advantage over other companies;

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<sup>1</sup> Note: Public access to ADAMS has been temporarily suspended so that security reviews of publicly available documents may be performed and potentially sensitive information removed. Please check the NRC Web site for updates on the resumption of ADAMS access.

- 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 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 2.390 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 2.390(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, VY Section  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-271

cc: See next page

A. Bilanin

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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.
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Richard B. Ennis, Senior Project Manager, VY Section  
Project Directorate I

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OFFICIAL RECORD COPY

Vermont Yankee Nuclear Power Station

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