

December 1, 2004

Mr. George B. Stramback
Manager, Regulatory Services
General Electric Company
175 Curtner Avenue
San Jose, CA 95125

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

Dear Mr. Stramback:

By Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc. (Entergy) letters BVY 04-097, BVY 04-098, and BVY 04-113 dated September 14, September 15, and October 7, 2004, respectively, and General Electric Company (GE) affidavits dated September 10, September 13, and October 6, 2004, which are attachments included with the Entergy letters, 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. 13, Extended Power Uprate, Response to Steam Dryer Action Items” (Attachment 1 to Entergy letter BVY 04-097)

“Vermont Yankee Nuclear Power Station, Proposed Technical Specification Change No. 263 - Supplement No. 14, Extended Power Uprate, Response to Request for Additional Information, Compact Disk of SAFER Outputs” (Attachment 2 to Entergy letter BVY 04-098)

“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)

Nonproprietary copies of the first and third documents (Attachment 2 to Entergy letters BVY 04-097 and BVY 04-113), have been placed in the NRC's Public Document Room and added to the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room.¹ As the second document, the compact disk, is proprietary in its entirety, there is no nonproprietary version.

¹ 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.

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

- (4)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;
- (4)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 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

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

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