

September 20, 1985

Docket No. 50-271

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Mr. R. W. Capstick
Licensing Engineer
Vermont Yankee Nuclear Power Corporation
1671 Worcester Road
Framingham, Massachusetts 01701

Dear Mr. Capstick:

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE

Re: Vermont Yankee Nuclear Power Station

By your letters dated July 27, 1981, May 18, 1981, March 17, 1983, and April 8, 1983, as supported by affidavits dated July 27, 1981, May 19, 1981, March 17, 1983, and April 8, 1983 and supplemental affidavit dated February 5, 1985, you submitted the following reports and requested that they be withheld from public disclosure pursuant to 10 CFR 2.790:

S. P. Schultz and K. E. St. John, "Methods for the Analysis of Oxide Fuel Rod Steady-State Thermal Effects (FROSSTEY): Code/Model Description Manual," Yankee Atomic Electric Company Report YAEC-1249P (Proprietary), April 1981.

S. P. Schultz and K. E. St. John, "Methods for the Analysis of Oxide Fuel Rod Steady-State Thermal Effects (FROSSTEY): Code Qualification and Application," Yankee Atomic Electric Company Report YAEC-1265P (Proprietary), June 1981.

Enclosure to letter L. H. Heider (VYNPC) FVY 83-22 to D. G. Eisenhower (NRC) on "Response to Questions on Yankee Atomic Electric Company Fuel Performance Code (FROSSTEY)" dated March 17, 1983.

Enclosure to letter L. H. Heider (VYNPC) FVY 83-26 to D. G. Eisenhower on "Additional Response to Questions on Yankee Atomic Electric Company Fuel Performance Code (FROSSTEY)" dated April 8, 1983.

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

1. The material contained in the enclosures was obtained at considerable expense, approximately \$300,000, to Yankee Atomic Electric Company, Vermont Yankee Nuclear Power Corporation, Maine Yankee Atomic Power Corporation, and New Hampshire Yankee Division of Public Service

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Company of New Hampshire, and release of this Information would seriously affect your competitive position as a supplier of nuclear design analysis software and services.

2. The Information contained in the transmittals is of the type customarily held in confidence and not customarily disclosed to the public.
3. The Information was transmitted to the Commission in confidence under the provisions of 10 CFR 2.790.
4. The Information is for Commission internal use only and should not be released to persons or organizations outside the Directorate of Regulation and the ACRS without prior approval of Yankee Atomic Electric Company. Should it become necessary to release this Information to such persons as part of the review process, please contact Yankee Atomic Electric Company and the necessary arrangements to protect this proprietary Information will be made.

We have reviewed your reports and the affidavits based on the requirements and criteria of 10 CFR 2.790 and have determined that the submitted information sought to be withheld contains trade secrets or proprietary commercial information relating to your code development.

We have determined that the versions of the submitted information marked as proprietary should be withheld from the 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, insure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public inspection should change such that the information could then be made available for public inspection, you should promptly notify the NRC. You should also understand that the NRC may have cause to review this determination in the future, such as if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC needs additional information from you or makes a determination adverse to the above, you will be notified in advance of any public disclosure.

Sincerely,

Original signed by/
Domenic B. Vassallo, Chief
Operating Reactors Branch #2
Division of Licensing

cc: See next page

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CPB:DSV
Berlinger
09/20/85

Mr. R. W. Capstick
Vermont Yankee Nuclear Power Corporation
Vermont Yankee Nuclear Power Station

cc:

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