

VERMONT YANKEE NUCLEAR POWER CORPORATION

P. O. BOX 157
GOVERNOR HUNT ROAD
VERNON, VERMONT 05354
003362 LET PT NRC

August 1, 1985

FVY 85-69

United States Nuclear Regulatory Commission
Office of Inspection and Enforcement
Region I
631 Park Ave.
King of Prussia, PA 19406

Attention: Mr. Thomas E. Murley, Administrator Region I

- References:
1. Memo to W.L. Wittmer from W.J. Raymond (WJR/VY 85 11) dated 6-10-85 002713 MEM NRC PT
 2. Letter to W.J. Raymond from W.L. Wittmer dated 6-27-85 002910 LET PT NRC
 3. Memo to W.L. Wittmer from W.J. Raymond dated 6-28-85 002944 MEM NRC PT
 4. Letter to W.J. Raymond from W.L. Wittmer dated 6-28-85 002943 LET PT NRC

Subject: Morrison Knudsen Management Plan Affidavit

Attachment: Morrison Knudsen Management Plan 10CFR 2.790 Affidavit

Dear Sir:

The referenced letters provide the documentation by which Vermont Yankee Nuclear Power Corp. forwarded two (2) copies of Morrison Knudsen's Management Plan to the NRC staff for their review prior to the 7-17-85 meeting at Region I to discuss Vermont Yankee's Recirculation Pipe Replacement Project. As indicated in reference 4, this letter formally transmits a properly executed affidavit in accordance with 10CFR 2.790 such that the Management Plan is treated as proprietary and withheld from public disclosure.

We trust that this information is acceptable; however, should you have further questions, please contact us.

Very truly yours,

William L. Wittmer
Project Manager
Vermont Yankee Recirculation
Pipe Replacement

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RJG/mga

cc: ABF

(E O 1)

MORRISON-KNUDSEN COMPANY, INC.

AFFIDAVIT

I, William A. Hughes, being duly sworn, depose and state as follows:

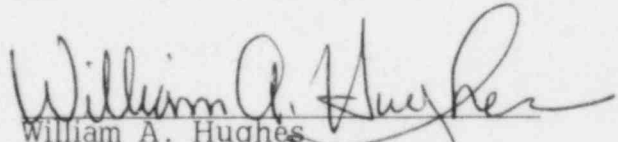
1. I am Vice President--Construction Operations, Morrison-Knudsen Company, Inc., (hereinafter "Morrison-Knudsen") and have been delegated the function of reviewing the information described in paragraph 2 which is sought to be withheld from public disclosure, and have been authorized to apply for its withholding on behalf of Morrison-Knudsen, the owner of the information described in paragraph 2.
2. The information sought to be withheld is contained in the document entitled "Vermont Yankee Nuclear Power Station Reactor Recirculation Piping System Replacement Management Plan" (hereinafter "Management Plan"). The Management Plan sets forth Morrison-Knudsen's approach to performing the preparatory work required for a state of readiness for the 1985 replacement outage, including the schedules and work packages for implementation activities and detailed information on technical processes and the radiation exposure control program.
3. In designating material as proprietary, Morrison-Knudsen considers that which provides Morrison-Knudsen with an edge in a competitive market, constituting valuable assets which can be sold or licensed to others as know-how, to be trade secrets and privileged or confidential commercial information within the meaning of 10CFR2.790(a)(4). The information is not necessarily patentable, but must remain undisclosed to be of any value to its owner.
4. Some examples of categories of information which fit into the definition of proprietary information are:
 - a. Specific formulas and formulation
 - b. Physical and chemical property data developed by the company at its expense
 - c. Rates, conversions, yields, etc. which are specific to the operations of the company
 - d. Novel equipment and equipment design

- e. Patent ideas, applications, memos, and similar documents of invention
 - f. Corporation sales, costs, and profits figures
 - g. Detailed market studies
 - h. Customer lists and specific pricing information
 - i. Proprietary design methods and standards
 - j. Management plans, schedules, work packages, health physics program manuals, and quality control manuals.
5. Initial approval of proprietary treatment of a document is made by the Project Manager, the person most likely to be acquainted with the value and sensitivity of the information in relation to industry knowledge and the person responsible for physical protection of the proprietary information at the project. Procedures for internal control of proprietary information limit access to such information within Morrison-Knudsen on a "need to know" basis and such documents at all times are clearly identified as proprietary.
6. The procedure for approval of external release of such a document is reviewed by the Project Manager, by the Corporate Legal Department, and ultimately by the Vice President--Construction Operations for technical content, competitive effect and determination of accuracy of the proprietary designation in accordance with the standards enumerated above. Disclosures outside Morrison-Knudsen are limited to regulatory bodies, customers and potential customers and their agents, suppliers and licensees, only in accordance with appropriate regulatory provisions or proprietary agreements.
7. The Management Plan has been evaluated in accordance with the above criteria and procedures and has been found to contain information which is proprietary and which is customarily held in confidence by Morrison-Knudsen.
8. The information, to the best of my knowledge and belief, has consistently been held in confidence by Morrison-Knudsen, no public disclosures have been made, and it is not available in public sources. Similar plans for similar Morrison-Knudsen projects have been provided only to the project owners or authorized third parties. All disclosures to third parties have been made pursuant to regulatory provisions or proprietary agreements which provide for maintenance of the information in confidence.

9. Public disclosure of the information sought to be withheld is likely to cause substantial harm to the competitive position of Morrison-Knudsen and deprive or reduce the availability of profit-making opportunities by allowing competitors to take full advantage of the extensive development, testing, and reduction to practice that has been performed by Morrison-Knudsen without any cost to competitors. This information is unavailable to others and could only be obtained through a comparable development and testing program. The cost to Morrison-Knudsen for development of the information sought to be withheld is in excess of \$2,500,000; the commercial value of the information to Morrison-Knudsen is estimated to be in excess of \$20,000,000.

William A. Hughes, being duly sworn, deposes and says that he has read the foregoing affidavit and the matters stated herein are true and correct to the best of his knowledge, information, and belief.

Executed at Boise, Idaho, this 15 day of July, 1985.

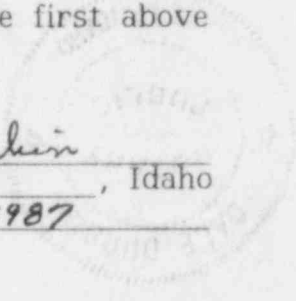

William A. Hughes
Morrison-Knudsen Company, Inc.

STATE OF IDAHO)
COUNTY OF ADA)

On this 15th day of July, in the year 1985, before me Dale Durbin, a Notary Public in and for said State, personally appeared William A. Hughes known to me to be the person whose name is subscribed to the within instrument, and acknowledge to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Notary Public, Residing at
My commission expires


Dale Durbin
Boise, Idaho
Feb 16, 1987