

February 9, 2000

Mr. Dennis W. Murdock
Vice President-Nuclear Group
Duke Engineering & Services, Inc.
400 South Tryon Street
Charlotte, NC 28201

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
VERMONT YANKEE NUCLEAR POWER STATION (TAC NO. M96174)

Dear Mr. Murdock:

By letter dated December 29, 1999, the Vermont Yankee Nuclear Power Corporation submitted your affidavit dated March 19, 1999, requesting that the information contained in Technical Document ITS/VY-98-01, Revision 2: "Analysis of Tests for Investigating the Effect of Coatings Debris on ECCS Strainer Performance for Vermont Yankee," be withheld from public disclosure pursuant to 10 CFR 2.790. A non-proprietary version of this report was also provided.

The affidavit stated that the information submitted should be considered exempt from mandatory public disclosure since it:

- a. Has substantial commercial value to Duke Engineering & Services (DE&S). DE&S intends to sell the information to nuclear utilities for the purpose of supporting the operation and licensing of nuclear power plants. The subject information could only be duplicated by competitors at similar expense to that incurred by DE&S;
- b. Public disclosure of this information is likely to cause harm to DE&S because it would allow competitors in the nuclear industry to benefit from the results of a significant development program without requiring a commensurate expense or allowing DE&S to recoup a portion of its expenditures or benefit from the sale of the information.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains trade secrets or proprietary commercial information.

Therefore, the information submitted and marked as proprietary will be withheld from 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, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

D. Murdock

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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.

Sincerely,

/RA/

Richard P. Croteau, Project Manager, Section 2
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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Sincerely,

/RA/

Richard P. Croteau, Project Manager, Section 2
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

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Vermont Yankee Nuclear Power Station

cc:

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