

April 11, 2000

Mr. James F. Mallay
Director, Nuclear Regulatory Affairs
Siemens Power Corporation
2101 Horn Rapids Road
Richland, WA 99352

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE -
SIEMENS POWER CORPORATION (SPC) EMF-CC-043(P), REVISION 4,
"XCOBRA CODE USER'S MANUAL" (TAC NO. MA6639)

Dear Mr. Mallay:

By your letter dated November 29, 1999, and affidavit dated November 30, 1999, executed by H. Donald Curet, you submitted EMF-CC-043(P) Revision 4, "XCOBRA Code User's Manual," and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790. A nonproprietary version was not submitted to the NRC for placement in the public document room.

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

6. This Document contains information which is vital to a competitive advantage of SPC and would be helpful to competitors of SPC when competing with SPC.
7. The information contained in the Document is considered to be proprietary by SPC because it reveals certain distinguishing aspects of SPC licensing methodology which secure competitive advantage to SPC for product optimization and marketability, and includes information utilized by SPC in its business which affords SPC an opportunity to obtain a competitive advantage over its competitors who do not or may not know or use the information contained in the Document.
8. The disclosure of the proprietary information contained in this Document to a competitor would permit the competitor to reduce its expenditure of money and manpower and to improve its competitive position by giving it valuable insights into SPC licensing methodology and would result in substantial harm to the competitive position of SPC.

12. Information in this Document provides insight into licensing methodology developed by SPC. SPC has invested significant resources in developing the methodology as well as the strategy for this application. Assuming a competitor had available the same background data and incentives as SPC, the competitor might, at a minimum, develop the information for the same expenditure of manpower and money as SPC.

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 proprietary commercial information and should be withheld from public disclosure.

Therefore, EMF-CC-043(P) Revision 4, "XCOBRA Code User's Manual," 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.

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) 415-1480.

Sincerely,

/RA/

Nageswaran Kalyanam, Project Manager, Section 1
Project Directorate IV & Decommissioning
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Project No. 702

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Nageswaran Kalyanam, Project Manager, Section 1
Project Directorate IV & Decommissioning
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