

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 FROM PUBLIC DISCLOSURE - HANDOUTS
USED AT OCTOBER 14 AND 15, 1999, MEETING WITH THE NRC STAFF
(TAC NO. MA1983)

Dear Mr. Mallay:

At the October 14, 1999, meeting between Siemens Power Corporation (SPC) and the NRC staff, the handouts used by SPC included certain proprietary material pertaining to the presentation. An affidavit dated October 13, 1999, was also provided at that meeting. SPC stated the information contained in the handouts is considered to be proprietary to SPC and requested that they be withheld from public disclosure pursuant to 10 CFR 2.790. Your letter dated October 29, 1999, provided the non-proprietary version of the handouts.

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

- "6. The Documents contain 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 Documents is considered to be proprietary by SPC because it reveals certain distinguishing aspects of SPC licensing methodology which secure competitive advantage to SPC for [fuel design 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 these Documents.
8. The disclosure of the proprietary information contained in the Documents 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 these Documents 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 expenditures 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, the handouts provided at the October 14, 1999, meeting 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 2
Project Directorate IV and Decommissioning
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Project No. 702

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, the handouts provided at the October 14, 1999, meeting 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.

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Project No. 702

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