

July 21, 2003

Mr. Peter Bird
Field Service Engineering S326
Siemens Westinghouse Power Corporation
4400 Alafaya Trail
Orlando, FL 32826-2399

SUBJECT: SIEMENS WESTINGHOUSE – REQUEST FOR WITHHOLDING
INFORMATION FROM PUBLIC DISCLOSURE (TAC NO. MB5679)

Dear Mr. Bird:

By letter dated July 14, 2003, Siemens Westinghouse (SWPC) submitted an affidavit dated July 14, 2003, executed by Alfred A. Pallota, requesting that the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790:

Siemens Westinghouse Topical Report, "Missile Analysis Methodology for General Electric (GE) Nuclear Steam Turbine Rotors by the Siemens Westinghouse Power Corporation (SWPC)"

A nonproprietary copy of the document was not provided for placement in the Nuclear Regulatory Commission's (NRC's) Public Document Room and for addition to the Agencywide Documents Access and Management System Public Electronic Reading Room.

It is our understanding that Siemens will provide a non-proprietary version of the NRC accepted topical report (referenced above) to the Commission by August 30, 2003.

The affidavit stated the reasons that the submitted information should be considered exempt from mandatory public disclosure. The NRC staff agrees that the following reasons apply:

- (a) The information reveals details of SWPC research and development plans and programs or their results.
- (b) Use of the SWPC information by a competitor would permit the competitor to significantly reduce its expenditures, in time and resources, to design, produce, or market a similar product or service.
- (c) The information includes test data or analytical techniques concerning a process, methodology, or component, the application of which results in a competitive advantage for SWPC.

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 document entitled, "Missile Analysis Methodology for General Electric (GE) Nuclear Steam Turbine Rotors by the Siemens Westinghouse Power Corporation (SWPC)" 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) 415-3764.

Sincerely,

/RA/

Brian Benney, Project Manager, Section 2
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Project No. 721

cc: See next page

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/RA/

Brian Benney, Project Manager, Section 2
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Project No. 694

cc: See next page

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*For previous concurrences
see attached ORC

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NRR-084

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Siemens Westinghouse Power Corporation (SWPC)

Project No. 721

cc:

Mr. Chuck Patrick, Manager
Steam Turbine Marketing
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Mr. Stan Dembkowski, Director
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