



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

February 21, 1997

Mr. H. Donald Curet
Product Licensing
Siemens Power Corporation
2101 Horn Rapids Road
P. O. Box 130
Richland, WA 99352-0130

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE IN A
MATTER FOR SIEMENS POWER CORPORATION (TAC NO. M96355)

Dear Mr. Curet:

By your letter dated October 14, 1996, and the Siemens Power Corporation (SPC) affidavit dated October 14, 1996, executed by yourself, you submitted a copy of the graph that was shown in the proprietary portion of the public meeting between the Nuclear Regulatory Commission (NRC) and six licensees on October 16, 1996, and requested that the graph be withheld from public disclosure pursuant to 10 CFR 2.790. The October 16, 1996, meeting was held to discuss changes to the 10 CFR 50.46 large break loss-of-coolant accident evaluation model for six pressurized water reactor licensees, and the meeting summary was issued on November 5, 1996, without the graph.

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

- "6. The 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 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 the document.
8. The disclosure of the proprietary information contained in the 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.
9. The Document contains proprietary information which is held in confidence by SPC and is not available in public sources."

DF03 10

97-49

RD-8-2 Gxxon

9703140175 970221
PDR TOPRP EMVEXXN
C PDR

NRC FILE CENTER COPY

TOKI4

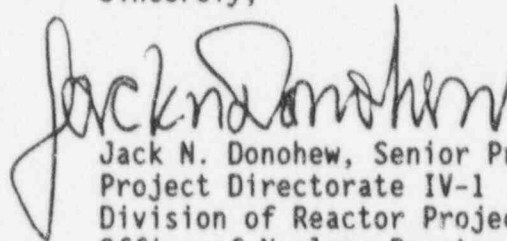
We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of the statements in your letter, have determined that the submitted information sought to be withheld contains proprietary commercial information.

Therefore, the applicable portions of the document 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 disclosure shall not affect the right, if any, of persons properly and directly concerned to inspect the document. 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 disclosure 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 this 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,

A handwritten signature in dark ink, appearing to read "Jack N. Donohew". The signature is fluid and cursive, with the first name "Jack" being more prominent and the last name "Donohew" written in a continuous script.

Jack N. Donohew, Senior Project Manager
Project Directorate IV-1
Division of Reactor Projects III/IV
Office of Nuclear Reactor Regulation

Docket No. [REDACTED]

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

Therefore, the applicable portions of the document 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 disclosure shall not affect the right, if any, of persons properly and directly concerned to inspect the document. 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 disclosure 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 this 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,

ORIGINAL SIGNED BY:

Jack N. Donohew, Senior Project Manager
Project Directorate IV-1
Division of Reactor Projects III/IV
Office of Nuclear Reactor Regulation

Docket No. ~~100-100000~~

DISTRIBUTION:

Docket File

J. Roe

W. Beckner

A. Levin

PUBLIC

E. Adensam (EGA1)

C. Hawes

SRXB r/f

PD4-1 r/f

J. Donohew

M. Siemien OGC (15B18)

J. Dyer, RIV

Document Name: GG96355.LTR

OFC	PM/PD4-1	(A) LA/PD4-1	D/PD4-1	SC/SRXB/DSSA	OGC
NAME	JDonohew/vw	CHawes CMN	WBeckner	ALeyin	MSiemien
DATE	2/19/97	2/19/97	2/21/97	2/19/97	2/24/97
COPY	YES/NO	YES/NO	YES/NO	YES/NO	YES/NO

OFFICIAL RECORD COPY

signed
2/21/97