

Docket File



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

WASHINGTON, D.C. 20555-0001

October 26, 1999

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

SUBJECT: REQUEST FOR REVIEW OF EMF-2209(P), REVISION 0, "SPCB CRITICAL POWER CORRELATION," PROJECT 702 (TAC NO. MA6639)

Dear Mr. Mallay:

By your letter dated September 24, 1999, and your affidavit of September 24, 1999, you submitted Topical Report EMF-2209(P), Revision 0, "SPCB Critical Power Correlation," and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790. A nonproprietary version was submitted for placement in the NRC public document room.

The affidavit 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 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 provide 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.

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Mr. James F. Mallay

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Therefore, Topical Report EMF-2209(P), Revision 0, "SPCB Critical Power Correlation," 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,

ORIGINAL SIGNED BY:
Nageswaran Kalyanam, Project Manager, Section 2
Project Directorate IV & Decommissioning
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Project No. 702

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