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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

December 3, 1999

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

**SUBJECT: PROPRIETARY FINDING REGARDING REQUEST FOR CONCURRENCE ON
SER CLARIFICATIONS, PROJECT NO. 702 (TAC NO. MA6160)**

Dear Mr. Mallay:

By your letter dated July 28, 1999, and your affidavit of July 28, 1999, you submitted a complete package consisting of summaries of the clarifications and interpretations on the outstanding BWR and PWR issues for which Siemens Power Corporation (SPC) had requested NRC's review and concurrence. In your letter dated October 12, 1999, you enclosed the proprietary and non-proprietary versions of attachment 1 to the letter of July 28, 1999, and also specified which of the other attachments were proprietary and which were not.

NRC:99:030 Attachment 1:

Pages 1-12 considered nonproprietary

Pages 13-17 considered proprietary

(A proprietary version and a non-proprietary version were attached)

NRC:99:030 Attachment 1 Enclosures:

NRC:98:013 considered nonproprietary

HDC:97:120 included proprietary information(*)

HDC:97:132 included proprietary information(*)

HDC:97:135 considered nonproprietary

NRC:99:030 Attachment 2 Enclosures:

NRC:99:029 considered nonproprietary

NRC:99:011 considered nonproprietary

NRC:98:019 considered nonproprietary

NRC:98:053 included proprietary information(*)

NRC:99:009 considered nonproprietary

NRC:99:018 considered nonproprietary

You had stated the information contained in the attachments that are considered to be proprietary to SPC be withheld from public disclosure pursuant to 10 CFR 2.790. A nonproprietary version was not submitted to NRC for the documents marked with (*) 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:

99-204

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PDR To PRP. EMVEXXN

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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.
10. In accordance with SPC's policies governing the protection and control of information, proprietary information contained in this Document has been made available, on a limited basis, to others outside SPC only as required and under suitable agreement providing for nondisclosure and limited use of the information.
11. SPC policy requires that proprietary information be kept in a secured file or area and distributed on a need-to-know basis.
12. Information in this Document provide insights into SPC licensing methodology developed by SPC. SPC has invested significant resources in developing the methodology as well as 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, the version of the BWR and PWR references detailed in your letter dated July 28, 1999, 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.

Mr. James F. Mallay

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December 3, 1999

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,

/s/
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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Mr. James F. Mallay

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If you have any questions regarding this matter, I may be reached at (301) 415-1480.

Sincerely,

A handwritten signature in black ink, appearing to read "Nageswaran Kalyanam", with a horizontal line underneath the name.

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

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