



70-1257

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

January 30, 1997

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

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE IN  
TOPICAL REPORT ANF-1125(P), "CRITICAL POWER CORRELATION - ANFB"

Dear Mr. Curet:

By the letter dated February 2, 1988, and the Advanced Nuclear Fuels Corporation (ANFC) affidavit dated February 2, 1988, and executed by H. E. Williamson, Topical Report ANF-1125(P), "Critical Power Correlation - ANFB," was submitted to the Nuclear Regulatory Commission and it was requested that that document be withheld from public disclosure pursuant to 10 CFR 2.790. Siemens Power Corporation (SPC) is the business entity that succeeded ANFC and currently owns the information contained within that document. The staff approved ANF-1125(P) in its letter of March 8, 1990.

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

"The Document contains information of a proprietary and confidential nature and is the type customarily held in confidence by ANF[C] and not made available to the public.

The Document contains information which is vital to a competitive advantage for ANF[C] and would helpful to competitors of ANF[C] when competing with ANF[C].

The information contained in the Document is considered proprietary by ANF[C] because it reveals certain distinguishing aspects of BWR licensing methodology which secure competitive advantage to ANF[C] for fuel design optimization and marketability, and includes information utilized by ANF[C] in its business which affords ANF[C] the opportunity to obtain a competitive advantage over its competitors who do not or may not know or use the information contained in the Document.

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 extremely valuable insights into BWR licensing methodology and would result in substantial harm to the competitive position of ANF[C].

NFOS 1/10

9702030217 970130  
PDR ADOCK 07001257  
C PDR

**NRC FILE CENTER COPY**

Mr. H. D. Curet

- 2 -

January 30, 1997

The Document contains proprietary information which is held in confidence by ANF[C] and is not available in public sources.

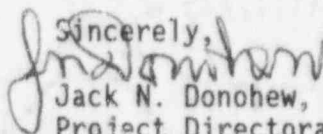
Information in this Document provides insight into BWR licensing methodology developed by ANF[C]. ANF[C] has invested significant resources in developing the BWR licensing technology as well as the strategy for this application. Assuming a competitor had available the same background data and incentives as ANF[C], the competitor might, at a minimum, develop the information for the same expenditure of manpower and money as ANF.

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 Nuclear Regulatory Commission (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,



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

DISTRIBUTION:

Subject

Docket File

PUBLIC

PD4-1 r/f

J. Roe

E. Adensam (EGA1)

W. Beckner

J. Donohew

C. Hawes

L. Phillips

T. Huang

M. Siemien OGC (15B18)

Document Name: M95385.PR7

OFFICIAL RECORD COPY

OFC	PM/PD4-1	LA/PD4-1	SC:SRXB/DSSA	OGC	Signature
NAME	JDonohew	CHawes	LPhillips	MSiemien	JDonohew
DATE	1/16/96	1/30/96	1/22/96	1/27/96	1/30/96
COPY	YES/NO	YES/NO	YES/NO	YES/NO	

Mr. H. D. Curet

- 2 -

The Document contains proprietary information which is held in confidence by ANF[C] and is not available in public sources.

Information in this Document provides insight into BWR licensing methodology developed by ANF[C]. ANF[C] has invested significant resources in developing the BWR licensing technology as well as the strategy for this application. Assuming a competitor had available the same background data and incentives as ANF[C], the competitor might, at a minimum, develop the information for the same expenditure of manpower and money as ANF.

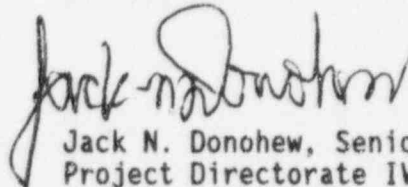
We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of the statements in your letter, have determined that the submitted information sought to be withheld contains proprietary commercial information.

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 Nuclear Regulatory Commission (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", is written over the typed name.

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