

70-1257



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

January 22, 1997

Mr. L. J. Maas
Manager, Regulatory Compliance
Siemens Power Corporation
2101 Horn Rapids Road
Richland, Washington 99352-0130

SUBJECT: PUBLIC DISCLOSURE DETERMINATION

Dear Mr. Maas:

This is in response to your affidavits dated January 18, 1993, and August 28, 1996, executed by Robert G. Frain and Bernal N. Femreite, respectively, requesting that the following information provided with your application for renewal of Special Nuclear Material License SNM-1227 be withheld from public disclosure pursuant to 10 CFR 2.790(a) of the Commission's regulations:

1. Pages 15-23 and 15-24 of the renewal application dated August 26, 1992, concerning a proprietary process;
2. Pages 15-15 and 15-16 of the previous license and pages 15-38 and 15-39 of the revised renewal application, both dated January 18, 1993, concerning the same proprietary process;
3. Pages 15-43 and 15-44 of the revised renewal application dated October 28, 1996, concerning the same proprietary process;
4. Figures 10.33, 10.34, 10.35, and 10.36 of the revised renewal application dated August 29 and October 28, 1996, concerning the dry conversion process.

These documents are enclosed.

In the affidavits you state that the submitted information should be withheld from public disclosure for the following reasons:

1. The information contained in the subject documents has been held in confidence by Siemens Power Corporation (Siemens), in that it is of a confidential financial nature and is customarily held in such confidence;
2. The information is not available in public sources, and Siemens is transmitting it to the NRC in confidence;
3. The public disclosure of the information contained in the documents would cause substantial harm to Siemens, by revealing confidential communications regarding financial arrangements that could be used by Siemens competitors and other parties whose interest may be adverse to Siemens.

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Mr. L. J. Maas

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We have reviewed your materials in accordance with 10 CFR 2.790 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary information. Therefore, the above listed documents 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 as provided for in 10 CFR 2.790(b)(6). If, at any time in the future, the basis provided in your submittal for withholding information from public disclosure should change such that the information could then be made available for public inspection, Siemens should promptly notify the NRC.

Siemens should also be aware that the NRC may have cause to review this determination in the future, such as if the scope of a Freedom of Information Act request includes your information. In all reviews, if the NRC makes a determination adverse to the above, Siemens will be notified in advance of any public disclosure.

Sincerely,

Original signed by:

Elizabeth Q. Ten Eyck, Director
Division of Fuel Cycle Safety
and Safeguards, NMSS

Docket 70-1257
License SNM-1227

Enclosures: As stated

DISTRIBUTION: w/o encl.

Docket 70-1257 Public NRC File Center Region IV
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OFC	FCLB	e	FCLB	C	FCLB	C	OGC	C
NAME	SChotoo	SOE	KHardin	JKH	PShea	AOS	MSiemien	MPS
DATE	1/7/97		1/8/97		1/7/97		1/8/97	
OFC	FCLB		FCLB	N	FCSS		FCSS	
NAME	GPangburn		MWeber	N	EWBrach		ETen Eyck	
DATE	1/13/97		1/14/97		1/17/97		1/22/97	

Mr. L. J. Maas


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We have reviewed your materials in accordance with 10 CFR 2.790 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary information. Therefore, the above listed documents 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.

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Sincerely,


Elizabeth Q. Ten Eyck, Director
Division of Fuel Cycle Safety
and Safeguards, NMSS

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Enclosures: As stated