



August 15, 2002

Document Control Desk  
U. S. Nuclear Regulatory Commission  
Washington, D.C. 20555

ATTENTION: Mr. Joe Sebrosky

**APPLICATION FOR WITHHOLDING PROPRIETARY INFORMATION  
FROM PUBLIC DISCLOSURE**

Subject: Bechtel – NRC Meeting of August 22, 2002  
Transmittal of Bechtel Proprietary Information and Trade Secrets

Dear Mr. Sebrosky:

This application for withholding is submitted by Bechtel Power Corporation ("Bechtel") pursuant to the provisions of paragraph (b) (1) of Section 2.790 of the regulations of the Nuclear Regulatory Commission ("NRC").

On August 22, 2002, an informational meeting will be held in the offices of Bechtel in Frederick, Maryland, between representatives of Bechtel and the NRC. The general purpose of that meeting will be a discussion of automation tools used in the planning and execution of large construction projects.

Bechtel submits that:

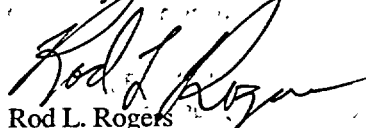
1. the materials provided to the NRC before and during these discussions,
2. the automation tools that may be illustrated or demonstrated during the meeting, and
3. the discussions during the meeting and made in responding to questions or follow-on discussions,

represent trade secrets and proprietary and confidential information critical to Bechtel's competitive position. In accordance with 10 CFR Section 2.790, the Affidavit of Rod L. Rogers in Support of Application For Withholding Proprietary Information From Public Disclosure accompanies this application setting forth the basis on which the trade secrets and proprietary and confidential information may be withheld from public disclosure.

Therefore, we respectfully request (i) that the meeting be conducted as a closed meeting, and that any information, written or oral, transferred to the NRC as a part of this meeting be considered confidential pursuant to 10 CFR 2.790, and (ii) that the subject information which is proprietary to Bechtel be withheld from public disclosure pursuant to 10 CFR 2.790.

Correspondence or questions regarding this request should be directed to Mr. Rod L. Rogers, Bechtel Power Corporation, 5275 Westview Drive, Frederick, Maryland 21703.

Sincerely,

  
Rod L. Rogers  
Manager, New Nuclear Generation and  
Nuclear Plant Operating Services

Add: Joe Sebrosky  
Y601

**AFFIDAVIT OF ROD L. ROGERS  
IN SUPPORT OF  
APPLICATION FOR WITHHOLDING PROPRIETARY INFORMATION  
FROM PUBLIC DISCLOSURE**

Manager, New Nuclear Generation and  
Nuclear Plant Operating Services

1. I am Rod L. Rogers, Manager, New Nuclear Generation and Nuclear Plant Operating Services in the Nuclear business unit of Bechtel Power Corporation, and as such, I have been specifically assigned the function of reviewing the proprietary information to be presented to the Nuclear Regulatory Commission during informational discussions regarding automation tools used in planning and execution of large scale construction projects, and am authorized to apply for its withholding on behalf of Bechtel Power Corporation.

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2. Many of the automation tools to be presented and discussed have been developed, adapted, and/or improved by Bechtel for the purposes of organizing and controlling the large construction projects. These developments, adaptations and improvements constitute trade secrets and proprietary and confidential information owned by Bechtel.
3. I am making this Affidavit in accordance with the provisions of 10 CFR Part 2.790 of the Commission's regulations, in conjunction with the Bechtel application for withholding accompanying this Affidavit, and in response to the Nuclear Regulatory Commission request to observe planning and execution automation technology used in large scale construction projects.
4. I have personal knowledge of the policies and procedures used by Bechtel Power Corporation in the protection of intellectual property and the designation of such property as a trade secret, privileged or as confidential commercial or financial information.
5. Pursuant to the provisions of paragraph (b)(4) of 10 CFR 2.790 the following is furnished for consideration by the Commission in determining whether the information sought to be withheld from public disclosure should be withheld:
  - (i) The information sought to be withheld from public disclosure is owned by and has been held in confidence by Bechtel. Use of the applicable automation tools has been restricted to employees of Bechtel.
  - (ii) The information is of a type customarily held in confidence by Bechtel and not customarily disclosed to the public. Bechtel has a rational basis for determining the types of information customarily held in confidence by it. In particular, Bechtel holds confidential its intellectual property if the release of such information might result in the loss of existing or potential competitive advantage. While the outputs from these tools and processes are occasionally shared with clients, the software is a Bechtel marketable product, and the work processes associated with that software are not shared. In addition, the integration of the Bechtel automation tools and the extent of

that automation integration could provide a commercial advantage to competitors if this information was available to the public.

- (iii) The information will be transmitted to, and is intended to be received by, the Commission in confidence.
- (iv) The information sought to be protected is not available in public sources. As noted above, the outputs of such automation tools are shared with Bechtel's clients, but the developments, adaptations and improvements to the automation tools are not shared outside of Bechtel.
- (v) Public disclosure of the information sought to be withheld is likely to cause substantial harm to the competitive position of Bechtel because it would enhance the ability of Bechtel's competitors to develop, adapt and improve automation tools used in large construction projects, without having to spend the considerable time, effort and money that Bechtel has spent in developing the information.


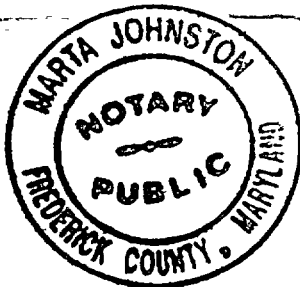
6. I declare that that the foregoing is true and correct to the best of my knowledge, information and belief.



Rod L. Rogers  
Manager, New Nuclear Generation and  
Nuclear Plant Operating Services  
Bechtel Power Corporation

Before me, the undersigned authority, personally appeared Rod. L. Rogers, who, being duly sworn according to law, deposes and says that he is authorized to execute this Affidavit on behalf of Bechtel Power Corporation, and that the statements of fact set forth in this Affidavit are true and correct to best of his knowledge, information and belief.

Sworn and subscribed to before me this 15<sup>th</sup> day of August, 2002.



Marta Johnston  
Notary Public

My commission expires 4-26-03