TIMEX

WATERBURY, CONN. 06720

May 20, 1982

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Ronald Haines Regional Administrator U.S. Nuclear Regulatory Commission Region 1 631 Park Avenue King of Prussia, PA 19406

Dear Mr. Haines:

The purpose of this letter is to request that the Commission withhold from the NRC Public Document Room its April 21, 1982 letter and enclosures to the Timex Corporation pursuant to 10 CFR 2.790. We have also attached the affidavit required by the regulation pursuant to this request.

The Notice of Violation which was attached to the Commission's letter of April 21, 1982 established that Timex possessed small quantities of tritium gases authorized under a license which had expired. Timex seeks only to dispose of its existing quantities of these tritium gases and has no intention of acquiring further quantities in the future. Timex has applied for renewal of its expired license in order to accomplish the disposal of the existing laboratory quantities.

Timex respectfully requests that the Notice of Violation and attachments be withheld from the Public Document Room because it regards the possession of the tritium itself as competitively sensitive, and therefore confidential and privileged information under 10 CFR 2.790.

The tritium gases that were the subject of the above violation were at one time evaluated as part of the digital display technology that has been the subject of intense low cost competition in recent years from Hong Kong and Japanese manufacturers. Thus, all research and development efforts by Timex in this area have been regarded as extremely confidential from a marketing/cost standpoint as well as from a technological standpoint.

In response to the Commission's request in Appendix A of its April 21, 1982 letter for a statement of corrective action pursuant to 10 CFR 2.201, Timex has applied for renewal of its expired license in order to dispose of all remaining quantities of the tritium gases in question. Timex is currently awaiting a decision on its application for renewal.

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If the commission should desire further information with regard to this request to withhold information, I would be pleased to coordinate the gathering of such information and respond to the Commission promptly.

Please do not hesitate to call me at 203-573-6374.

Sincerely,

Paul E. Yestrumslus
Paul E. Yestrumskas

Counsel

PEY/dq

Enclosure

State of Connecticut)

County of New Haven)

AFFIDAVIT

William E. Levell, Being Duly Sworn, deposes and says,

- That he is the Corporate Director Labor Relations of Timex Corporation in Middlebury, Ct.
- 2) That all of the appropriate officers of Timex are currently overseas for an extended period.
- 3) That he is aware of the Notice of Violation issued by the Nuclear Regulatory Commission on April 21, 1982 to Timex Corporation.
- 4) That he has investigated and become acquainted with the facts and circumstances surrounding this Notice of Violation.
- 5) That Timex regards the fact of possession of the tritium substances in its Middlebury, Ct. facility as confidential and privileged information that should be withheld from public disclosure.
- 6) That the very fact that Timex currently possesses and intends to dispose of the substances mentioned in the Notice of Violation is confidential and privileged commercial information because of the intense product and cost competition that exists in low cost digital products from Japanese and Hong Kong manufacturers.
- 7) The plans to utilize or not utilize such substances in future products is the type of information always held in strict confidence internally by Timex because of the intense cost and product competition that exists in the manufacture and sale of low priced digital watches.
- 8) The fact that Timex currently possesses laboratory quantities of the tritium substances in question is not a matter of public information, and represents part of an extensive and costly research and development program by Timex.
- 10) In that Timex is currently seeking a license renewal only to dispose of small laboratory quantities of the tritium substances, Timex's legitimate concern for its competitive position in these circumstances clearly outweighs the overall benefit arising out of the right of the public to be fully apprised as to the basis for and the effects of a licensing decision by the Commission in these unique circumstances.

WHEREFORE, Timex Corporation respectfully requests that all materials and information relating to the Notice of Violation and attachments issued to Timex on April 21, 1982 be withheld from the Nuclear Regulatory Commission Public Document Room.

William E. Levell

Sworn and Subscribed to before me this Aoth day of May, 1982.

My Commission Expires Mar. 31, 1984

Olga Novecky Notary Public