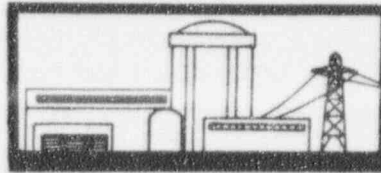


**THE OWNERS GROUP**

Duke Power Company  
Entergy Operations, Inc.  
Florida Power Corporation  
GPU Nuclear Corporation

Oconee 1, 2, 3  
ANO-1  
Crystal River 3  
TMI-1



Toledo Edison Company  
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JHT/94-138  
September 2, 1994  
OG-1422

Ms. Linda L. Gundrum  
Project Directorate III-3  
Office of Nuclear Reactor Regulation  
U. S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Subject: Proprietary Classification of BWNT Document No.  
BAW-2228, "Fracture Mechanics Assessment of Postulated  
Outer Surface, Semi-Elliptical Circumferential RV  
Nozzle-to-Pipe Weld Flaws", August 1994.

Reference: Letter from J. H. Taylor/BWNT (JHT/94-132, OG-1416)  
to Jon B. Hopkins/NRC, dated August 24, 1994,  
Subject: B&W Owners Group (B&WOG) Submittal in  
Response to Commitment Made to NRC by the B&WOG at  
the May 27, 1994 Meeting.

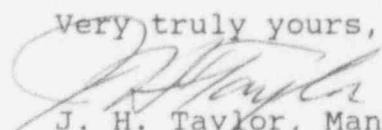
Dear Ms. Gundrum:

The referenced letter did not explicitly note that the subject  
report should be considered "Proprietary". We appreciate your  
calling this to our attention. The report itself was clearly  
stamped, however, our letter should have been clear.

Please find attached an affidavit supporting the "Proprietary"  
classification of BWNT Document No. BAW-2228.

If you have any questions, please call me at 804/832-2817.

Very truly yours,

  
J. H. Taylor, Manager  
Licensing Services

JHT/bcc

cc: J. R. Strosnider/NRC  
E. J. Sullivan, Jr./NRC  
P. S. Walsh/GPUN  
B&WOG NDE Committee Members

1200

9409150333 940902  
PDR TOPRP EMVBW  
C PDR

Change: NRC PDR  
NBIC

6007  
Mr. Ed. 73  
1 0  
1 0

AFFIDAVIT OF JAMES H. TAYLOR

- A. My name is James H. Taylor. I am Manager of Licensing Services for B&W Nuclear Technologies, a participating member in the B&W Utility Owners Group (B&WOG) and as such I am authorized to execute this Affidavit.
- B. I am familiar with the criteria applied by the Nuclear Regulatory Commission (NRC) to determine whether certain information of the B&WOG is proprietary.
- C. In determining whether a B&WOG document is to be designated as proprietary information, an initial determination is made by the Unit Manager who is responsible for originating the document as to whether it falls within the criteria set forth in Paragraph D hereof. If the information falls within any one of these criteria, it is designated as proprietary by the originating Unit Manager. This initial determination is reviewed by the cognizant manager at the next higher organizational level. If the document is designated as proprietary, it is reviewed again by me to assure that the regulatory requirements of 10 CFR Section 2.790 are met.
- D. The following information is provided to demonstrate that the provisions of 10 CFR Section 2.790 of the Commission's regulations have been considered:
- (i) The information has been held in confidence by the B&WOG. Copies of the document are clearly identified as proprietary.
  - (ii) The following criteria are customarily applied by the B&WOG in a rational decision process to determine whether the information should be designated as proprietary. Information may be designated as proprietary if one or more of the following criteria are met.
    - a. Information reveals cost or price information, commercial strategies, production capabilities, or budget levels of the B&WOG or its suppliers.

- b. The information reveals data or material concerning the B&WOG research or development plans or programs of present or potential economic advantage to the B&WOG.
- c. The use of the information by a non-member would decrease his expenditures, in time or resources, in designing, producing, or marketing a similar product.
- d. The information consists of test data or other similar data concerning a process, method or component, the application of which results in an economic advantage to the B&WOG.
- e. The information reveals special aspects of a process, method, component or the like, the exclusive use of which results in an economic advantage to the B&WOG.
- f. The information contains ideas for which patent protection may be sought.

The document(s) listed on Exhibit "A", which is attached hereto and made a part hereof, has been evaluated in accordance with the B&WOG procedures with respect to classification and has been found to contain information which falls within one or more of the criteria enumerated above. Exhibit "B", which is attached hereto and made a part hereof, specifically identifies the criteria applicable to the document(s) listed in Exhibit "A".

- (iii) The document(s) listed in Exhibit "A", which has been made available to the United States Nuclear Regulatory Commission was made available in confidence with a request that the document(s) and the information contained therein be withheld from public disclosure.
- (iv) The information is not available in the open literature and to the best of our knowledge is not known by other organizations with interests and activities similar to those of the B&WOG.

E. I have personally reviewed the document(s) listed on Exhibit "A" and have found that it is considered proprietary by the B&WOG because it contains information which falls within one or more of the criteria enumerated in Paragraph D, and it is information which is customarily held in confidence and protected as proprietary information by the B&WOG. This report comprises information utilized by the B&WOG in its business which afford the B&WOG an opportunity to obtain an economic advantage over those who may wish to know or use the information contained in the document(s).

State of Virginia)  
 ) SS. Lynchburg  
City of Lynchburg)

*James H. Taylor*  
James H. Taylor

Brenda C. Cardoso

My Commission Expires July 31, 1995

EXHIBITS A & B

EXHIBIT A

BWNT Document No. BAW-2228, "Fracture Mechanics Assessment of Postulated Outer Surface, Semi-Elliptical Circumferential RV Nozzle-to-Pipe Weld Flaws", August 1994.

EXHIBIT B

The above listed document contains information which is considered Proprietary in accordance with Criteria b, c, and d of the attached affidavit.