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October 27, 1983

Mr. Cecil O. Thomas, Chief  
Standardization & Special Projects Branch  
Division of Licensing  
U.S. Nuclear Regulatory Commission  
Washington, D. C. 20555

APPLICATION FOR WITHHOLDING PROPRIETARY  
INFORMATION FROM PUBLIC DISCLOSURE

SUBJECT: Topical Report of the Drum Mixer Process for Volume  
Reduction and Solidification, JGC-TR-001-P-A

RE: JGC's letter, Nakajima to Thomas, dated October 12, 1983

Dear Mr. Thomas:

Pursuant to the provisions of paragraph (b)(1) of Section 2.790 of the Commission's regulations, we hereby apply for the Commission's withholding from public disclosure of such information as is indicated as proprietary information in the Index of Sections Containing Proprietary Information contained in above-mentioned Topical Report No. JGC-TR-001-P-A, a copy of which is attached hereto.

The undersigned has reviewed the information sought to be withheld and is authorized to apply for its withholding on behalf of JGC.

The original affidavit accompanying this application sets forth the basis on which the information may be withheld from public disclosure by the Commission and addresses with specificity the considerations listed in paragraph (b)(4) of Section 2.790 of the Commission's regulations.

Correspondence with respect to this application for withholding or the accompanying affidavit should be addressed to the undersigned.

Very truly yours,

Tomoyoshi Kagawa  
General Manager  
JGC Nuclear  
Representative Office

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Enclosure

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City of Washington

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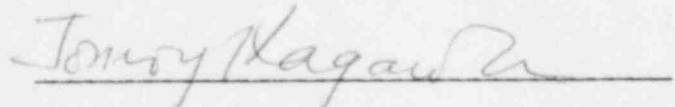
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DISTRICT OF COLUMBIA:

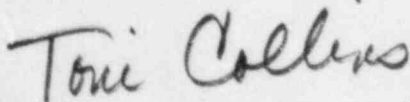
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Before me, a Notary Public, in the City of Washington, District of Columbia, personally appeared Tomoyoshi Kagawa, who, being by me duly sworn according to law, deposes and says that he is authorized to execute this Affidavit on behalf of JGC Corporation (JGC) and that the averments of fact set forth in this Affidavit are true and correct to the best of his knowledge, information, and belief.



Tomoyoshi Kagawa, General Manager  
JGC Nuclear Representative Office

Sworn to and subscribed  
before me this 27 day  
of OCTOBER 1983.



My Commission expires Nov. 14, 1987

AFFIDAVIT OF TOMOYOSHI KAGAWA

Averments of Fact

- (1) I am General Manager of JGC Nuclear Representative Office in Washington, D. C. and as such, I have been specifically delegated the function of reviewing the proprietary information sought to be withheld from public disclosure in connection with nuclear power plant licensing or rulemaking proceedings and licensing of nuclear technology, and am authorized to apply for its withholding on behalf of JGC.
- (2) I am making this Affidavit in conformance with the provisions of 10 CFR Section 2.790 of the Commission's regulations and in conjunction with the JGC application accompanying this Affidavit, for withholding from public disclosure of proprietary information contained in the Topical Report No. JGC-TR-001-P-A, entitled "The Drum Mixer Process for Volume Reduction and Solidification."
- (3) I have personal knowledge of the criteria and procedures utilized by JGC in designating information as a trade secret, privileged or as confidential commercial or financial information.
- (4) Pursuant to the provisions of paragraph (b)(4) of Section 2.790 of the Commission's regulations, 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 and has been held in confidence by JGC.
- (ii) The information is of a type customarily held in confidence by JGC and not customarily disclosed to the public. JGC has a rational basis for determining the types of information customarily held in confidence by it and, in that connection, utilizes a system to determine when and whether to hold certain types of information in confidence. The application of that system and the substance of that system constitutes JGC policy and provides the rational basis required.

Under that system, information is held in confidence if it falls in one or more of several types, the release of which might result in the loss of an existing or potential competitive advantage, as follows:

- (a) The information reveals the distinguishing aspects of a process (or component, structure, tool, method, etc.) where prevention of its use by any of JGC's competitors without license from JGC constitutes a competitive economic advantage over other companies.
- (b) It consists of supporting data, including test data, relative to a process (or component, structure, tool,

method, etc.), the application of which data secures a competitive economic advantage, e.g., by optimization or improved marketability.

- (c) Its use by a competitor would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing a similar product.
- (d) It reveals cost or price information, production capacities, budget levels, or commercial strategies of JGC, its customers or suppliers.
- (e) It reveals aspects of past, present, or future JGC or customer funded development plans and programs of potential commercial value to JGC.
- (f) It contains patentable ideas, for which patent protection may be desirable.
- (g) It is not the property of JGC, but must be treated as proprietary by JGC according to agreements with the owner.

There are sound policy reasons behind the JGC system which include the following:

- (a) The use of such information by JGC gives JGC a competitive advantage over its competitors. It is, therefore, withheld from disclosure to protect the JGC competitive position.
- (b) It is information which is marketable in many ways. The extent to which such information is available to competitors diminishes the JGC ability to sell products and services involving the use of the information.
- (c) Use by our competitor would put JGC at a competitive disadvantage by reducing his expenditure of resources at our expense.
- (d) Each component of proprietary information pertinent to a particular competitive advantage is potentially as valuable as the total competitive advantage. If competitors acquire components of proprietary information, any one component may be the key to the entire puzzle, thereby depriving JGC of a competitive advantage.
- (e) Unrestricted disclosure would jeopardize the position of prominence of JGC in the world market, and thereby give a market advantage to the competition in those countries.

- (f) The JGC capacity to invest corporate assets in research and development depends upon the success in obtaining and maintaining a competitive advantage.
- (iii) The information is being transmitted to the Commission in confidence and, under the provisions of 10 CFR Section 2.790, it is to be received in confidence by the Commission.
- (iv) The information sought to be protected is not available in public sources or available information has not been previously employed in the same original manner or method to the best of our knowledge and belief.
- (v) The proprietary information sought to be withheld in this submittal is that which is appropriately indicated in the Index of Sections Containing Proprietary Information, contained in JGC Topical Report No. JGC-TR-001-P-A, entitled "The Drum Mixer Process for Volume Reduction & Solidification." This Index is attached as Exhibit A. The proprietary information as submitted by JGC is expected to be made available to its customers and may be cited by the said customers in their submittals to the Commission in connection with their applications for licenses to practice the JGC technology in question for waste solidification. Even if such submission by JGC's customer is made without any request for the Commission's agreement to keep

confidential any proprietary information cited from the said Topical Report, the Commission's obligation to withhold from public disclosure as requested in this application will continue.

This information is part of that which will enable JGC to:

- (a) Provide documentation of the design and analysis to justify product licensing.
- (b) Assist the customer to obtain NRC approval for licensing of JGC waste solidification technology.
- (c) Justify the design and modification by analysis and tests.

Further this information has substantial commercial value as follows:

- (a) JGC plans to use similar information for its customers for purposes of meeting NRC requirements for licensing documentation and implementation.
- (b) JGC can provide support and defense of the technology to its customers in the licensing process.
- (c) JGC sells the information and implementation to its licensees.



Public disclosure of this information is likely to cause substantial harm to the competitive position of JGC because it would enhance the ability of competitors to provide similar analytical documentation, implementation and licensing defense services for waste solidification technology without commensurate expenses. Also, public disclosure of the information would enable others to use the information to meet NRC requirements without purchasing the right to use the methodology.

The development of the technology described is the result of an intensive JGC effort and the expenditure of a considerable sum of money.

In order for competitors of JGC to duplicate this information, similar programs would have to be performed with significant manpower effort, requisite talent and experience, and analytical and physical tools would need to be developed.

The tests performed and their evaluation represent a considerable amount of highly qualified analytical effort. The expenses incurred by JGC include verification of the technology.

Further the deponent sayeth not.

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