



**B&W NUCLEAR TECHNOLOGIES**

JHT/95-109  
November 13, 1995

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U. S. Nuclear Regulatory Commission  
Mail Station P1-137  
Washington, DC 20555-0001

Subject: Affidavit for BWNT Document 51-1239602-00, "Point Beach 2 Repair Roll Qualification"

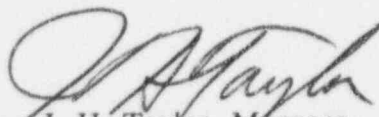
Reference: Letter (VPNPD-95-087) from Bob Link, Wisconsin Electric Power Company, to the Document Control Desk, dated November 9, 1995, Subject: Dockets 50-266 and 50-301, "Emergency Technical Specifications Change Request 184"

Gentlemen:

The purpose of this letter is to follow-up with an affidavit supporting the proprietary classification of the subject document. This document was transmitted to you in the referenced letter, dated November 9, 1995.

Please find attached a signed affidavit covering the information which was designated as "BWNT Proprietary" in BWNT Document 51-1239602-00. A non-proprietary version will be transmitted at a later date.

Very truly yours,

  
J. H. Taylor, Manager  
Licensing Services

/bcc

Attachment

c: Ken Arneson/Wisconsin Electric  
K. Crowley/Pt. Beach  
K. C. Wright/RTI

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PDR ADDCK 05000301  
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ADD 11

AFFIDAVIT OF JAMES H. TAYLOR

- A. My name is James H. Taylor. I am Manager of Licensing Services for B&W Nuclear Technologies (BWNT), and as such I am authorized to execute this Affidavit.
- B. I am familiar with the criteria applied by BWNT to determine whether certain information of BWNT is proprietary and I am familiar with the procedures established within BWNT to ensure the proper application of these criteria.
- C. In determining whether a BWNT document is to be classified 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 classified as proprietary by the originating Unit Manager. This initial determination is reviewed by the cognizant Section Manager. If the document is designated as proprietary, it is reviewed again by Licensing personnel and other management within BWNT as designated by the Manager of Licensing Services 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 BWNT. Copies of the document are clearly identified as proprietary. In addition, whenever BWNT transmits the information to a customer, customer's agent, potential customer or regulatory agency, the transmittal requests the recipient to hold the information as proprietary. Also, in order to strictly limit any potential or actual customer's use of proprietary information, the following provision is included in all proposals submitted by BWNT, and an applicable version of the proprietary provision is included in all of BWNT's contracts:

AFFIDAVIT OF JAMES H. TAYLOR (Cont'd.)

"Purchaser may retain Company's proposal for use in connection with any contract resulting therefrom, and, for that purpose, make such copies thereof as may be necessary. Any proprietary information concerning Company's or its Supplier's products or manufacturing processes which is so designated by Company or its Suppliers and disclosed to Purchaser incident to the performance of such contract shall remain the property of Company or its Suppliers and is disclosed in confidence, and Purchaser shall not publish or otherwise disclose it to others without the written approval of Company, and no rights, implied or otherwise, are granted to produce or have produced any products or to practice or cause to be practiced any manufacturing processes covered thereby.

Notwithstanding the above, Purchaser may provide the NRC or any other regulatory agency with any such proprietary information as the NRC or such other agency may require; provided, however, that Purchaser shall first give Company written notice of such proposed disclosure and Company shall have the right to amend such proprietary information so as to make it non-proprietary. In the event that Company cannot amend such proprietary information, Purchaser shall prior to disclosing such information, use its best efforts to obtain a commitment from NRC or such other agency to have such information withheld from public inspection.

Company shall be given the right to participate in pursuit of such confidential treatment."

AFFIDAVIT OF JAMES H. TAYLOR (Cont'd.)

- (ii) The following criteria are customarily applied by BWNT in a rational decision process to determine whether the information should be classified as proprietary. Information may be classified 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 BWNT, its customers or suppliers.
  - b. The information reveals data or material concerning BWNT research or development plans or programs of present or potential competitive advantage to BWNT.
  - c. The use of the information by a competitor 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 a competitive advantage to BWNT.
  - e. The information reveals special aspects of a process, method, component or the like, the exclusive use of which results in a competitive advantage to BWNT.
  - f. The information contains ideas for which patent protection may be sought.

AFFIDAVIT OF JAMES H. TAYLOR (Cont'd.)

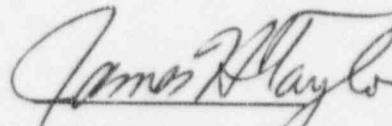
The document(s) listed on Exhibit "A", which is attached hereto and made a part hereof, has been evaluated in accordance with normal BWNT procedures with respect to classification and has been found to contain information which falls within one or more of the criteria enumerated above. Exhibit "B", which 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 Combustion Engineering, EXXON, General Electric, Westinghouse or other current or potential domestic or foreign competitors of BWNT.
  - (v) Specific information with regard to whether public disclosure of the information is likely to cause harm to the competitive position of BWNT, taking into account the value of the information to BWNT; the amount of effort or money expended by BWNT developing the information; and the ease or difficulty with which the information could be properly duplicated by others is given in Exhibit "B".
- E. I have personally reviewed the document(s) listed on Exhibit "A" and have found that it is considered proprietary by BWNT 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 BWNT. This report



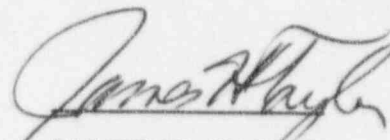
AFFIDAVIT OF JAMES H. TAYLOR (Cont'd.)

comprises information utilized by BWNT in its business which afford BWNT an opportunity to obtain a competitive advantage over those who may wish to know or use the information contained in the document(s).

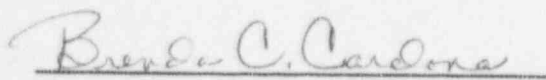
  
JAMES H. TAYLOR

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

James H. Taylor, being duly sworn, on his oath deposes and says that he is the person who subscribed his name to the foregoing statement, and that the matters and facts set forth in the statement are true.

  
JAMES H. TAYLOR

Subscribed and sworn before me  
this 13<sup>th</sup> day of November 1995.

  
Notary Public in and for the City  
of Lynchburg, State of Virginia.  
My Commission Expires July 31, 1999

**EXHIBITS A & B**

**EXHIBIT A**

1. BWNT Document No. 51-1239602-00, "Point Beach 2 Repair Roll Qualification", dated November 1995.

**EXHIBIT B**

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