Regulatory Docket File

70-135, 70-364
70-1201

Babcock & Wilcox

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U.S. NUCLEAR REG. COMMISSION
NMSS MAIL SECTION

Power Generation Group
P.O. Box 1260, Lynchburg, Va. 24505
Telephone: (804) 384-5111

April 14, 1978

DOCKETED USNRC APR 20 1978 NMSS MAIL SECTION

Mr. John B. Martin
Assistant Director
Fuel Cycle Safety and Licensing
Division of Fuel Cycle and Material Safety
United States Nuclear Regulatory Commission
Washington, D. C. 20666

Re: License Numbers SNM-145, SNM-414, and SNM-1168 - Decommissioning Plans

Dear Mr. Martin:

On February 17, 1978, we transmitted plans for the decommissioning of NMD's facilities. These were accompanied by a separate Appendix I, entitled Cost and Other Commercial Data, which we designated as proprietary.

On April 13, 1978, Mr. W. T. Crow advised me that no action was being taken on issuance of the negative declaration relative to the environmental impact statement for construction of our proposed AUC facility pending withdrawal of our proprietary designation or receipt and review of an affidavit attesting to that proprietary designation.

A proper affidavit has been prepared and is enclosed. I appreciate Mr. Crow's having called to our attention my error in failing to enclose the affidavit with our February 17th submittal. Mr. Crow so advised me on April 3, 1978, although he did not advise me at that time that no action would be taken on our application pending further action by us.

Mr. Crow further stated on April 13, 1978, that the processing of our application would take an additional two to four weeks if we were to withdraw our proprietary designation, and an indeterminate length of time if we chose to attest to our proprietary designation. We have attempted to minimize the amount of material to which that designation is to apply, as you will see from Exhibit A to the affidavit. We sincerely hope that an indeterminate length of time is not long enough for the issuance of the negative declaration to fail on yet some other account.

8063210109 x+

FEE EXEMPT

Very truly yours,

JR Lewis

J. R. Lewis
Division Counsel
NUCLEAR MATERIALS DIVISION

09131

JRL:EH
Attachs.

11 R. add'l info

Babcock & Wilcox

AFFIDAVIT OF ROBERT H. IHDE

A. My name is Robert H. Ihde. I am Manager of Contracts and Marketing in the Nuclear Materials Division of Babcock & Wilcox, and as such I am authorized to execute this Affidavit.

B. I am familiar with the criteria applied by Babcock & Wilcox to determine whether certain information of Babcock & Wilcox is proprietary and I am familiar with the procedures established within Babcock & Wilcox, particularly the Nuclear Materials Division (NMD), to ensure the proper application of these criteria.

C. In determining whether a Babcock & Wilcox document is to be classified as proprietary information, an initial determination is made by the person 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. This initial determination is reviewed by the cognizant department manager. If the document is designated as proprietary, it is reviewed again by other management within NMD to assure that the regulatory requirements of 10 CFR Section 2.790 are reasonably complied with.

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 Babcock & Wilcox Company. Copies of the document are clearly identified as proprietary. In addition, Babcock & Wilcox does not divulge the information to its customers.

AFFIDAVIT OF ROBERT H. IHDE (Cont'd)

(ii) The following criteria are customarily applied by Babcock & Wilcox 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 Babcock & Wilcox;

b. The information reveals data or material concerning Babcock & Wilcox or customer funded research or development plans or programs of present or potential competitive advantage to Babcock & Wilcox;

c. The use of the information by a competitor would decrease its expenditures, in time or resources, in designing, producing or marketing a similar product or service;

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 Babcock & Wilcox;

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 Babcock & Wilcox;

f. The information contains ideas for which patent protection may be sought.

The document listed on Exhibit "A", which is attached hereto and made a part hereof, has been evaluated in accordance with the foregoing 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 our current or potential domestic or foreign competitors.

(v) Specific information with regard to whether public disclosure of the information is likely to cause harm to the competitive position of Babcock & Wilcox, taking into account the value of the information to Babcock & Wilcox, the amount of effort or money expended by Babcock & Wilcox 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 Babcock & Wilcox 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 Babcock & Wilcox. This report comprises information utilized by Babcock & Wilcox in

AFFIDAVIT OF ROBERT H. IHDE (Cont'd)

its business which affords Babcock & Wilcox an opportunity to obtain a competitive advantage over those who may wish to know or use the information contained in the document(s).

Robert H. Ihde
ROBERT H. IHDE

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

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

Robert H. Ihde
ROBERT H. IHDE

Subscribed and sworn before me this 14th day of April 1978.

Natalie M. Lampman
Notary Public in and for the City of Lynchburg, State of Virginia

My Commission Expires Sept. 29, 1981

Babcock & Wilcox

EXHIBIT A

TO

AFFIDAVIT OF

ROBERT H. IHDE

Appendix I to the B&W NMD Decommissioning Plans transmitted by letter to NRC dated February 17, 1978, Sections:

1.1 Cost Estimate - Parks Township Site

2.2 Technical Guidelines

3.1 Estimate and Methodology - Parks Township Site Pu Plant

3.2 Estimate and Methodology - Parks Township Site U Plant

3.3.1 Estimate and Methodology - Apollo Site U Plant

5.0 Composite Decommissioning Cost Model for Uranium Plants

Babcock & Wilcox

EXHIBIT B

TO

AFFIDAVIT OF

ROBERT H. IHDE

The document sections listed in Exhibit A are subject to criteria D.(ii)a; D.(ii)b; D.(ii)c; and D.(ii)d.

Briefly summarized, it is our position that decontamination of nuclear facilities represents a business opportunity in which there will be substantial competition; and whether applied to our own facilities as a part of our cost base or to the facilities of potential customers, the techniques we utilize and the relative success (or failure) represented thereby are representative of know-how developed by Babcock & Wilcox over a number of years and at our own risk and expense. This information could be duplicated by others but only with substantial difficulty and at considerable expense.

FROM
abcock & Wilcox

DATE OF DOCUMENT
04-14-78

DATE RECEIVED
04-18-78

NO.
09134

LTR
X

REPORT

OTHER

TO
JMartin

ORIG
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CC

OTHER

ACTION NECESSARY ☐
NO ACTION NECESSARY ☐

CONCURRENCE ☐
COMMENT ☐

DATE ANSWERED
BY

CLASSIF
U

POST OFFICE

REG NO

FILE CODE 70-135 70-364, 70-1201

DESCRIPTION (Must Be Unclassified)
Decommissioning Plans

ENCLOSURES
1 cy rec'd

REFERRED TO	DATE	RECEIVED BY	DATE
Docket File Cy (3)	4/20		
LCRouse (6)			
RStarostecki (6)			
JPartlow			
JPowers			
JMartin			
I&E (9)			
PDR (3)			
LPDR (2)			
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REMARKS

U. S. NUCLEAR REGULATORY COMMISSION

MAIL CONTROL FORM

FORM NRC-326
(1-75)

Babcock & Wilcox

Nuclear Materials Division

609 North Warren Avenue, Apollo, Pa. 15613

Telephone: (412) 842-0111

Docket 70-135
SNM-145 Renewal

14 April 1978

Mr. L. C. Rouse, Chief
Fuel Processing and Fabrication Branch
Division of Fuel Cycle and Material Safety
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

References:
(a) Letter of March 14, 1978, R. A. Williams to L. C. Rouse, "Responses to NRC questions of 17 February 1978".
(b) Meeting of 15 March 1978 at Silver Springs, Maryland, to discuss the responses contained in NMD's letter of 14 March 1978.
(c) Letter of 16 March 1978, W. T. Crow to R. A. Williams, "Questions concerning Pa. Operations' Emergency Procedures".
(d) Telephone conference conversation of 29 March 1978 to further discuss the SNM-145 Renewal Application.

Dear Mr. Rouse:

In the referenced correspondence and conversations, NMD Pa. Operations committed to timely replies to NRC questions concerning our application for renewal of License SNM-145. Our responses to these questions appear in Attachment A to this letter. To document these replies, replacement and/or new pages for the renewal application are contained in Attachment C.

As you are aware, Pa. Operations is concurrently attempting to renew License SNM-414 for operations at Parks Township Site. This renewal process has also led to cycles of questions and answers followed by changes to the SNM-414 renewal application. In order to maintain consistency between the two renewal applications, it has become necessary to modify portions of the SNM-145 renewal application. These "changes for consistency" are explained in Attachment B to this letter, and replacement and/or new pages that reflect these changes in the renewal application are contained in Attachment C.

It is our belief that this letter responds to all but six of NRC's questions concerning the renewal application. These outstanding questions, and our

See Rept File

09103

See Prop File

Regulatory Docket File

Babcock & Wilcox

Nuclear Materials Division

609 North Warren Avenue, Apollo, Pa. 15613

Telephone: (412) 842-0111

March 14, 1978

Mr. L. C. Rouse, Chief
Fuel Processing & Fabrication Branch
Division of Fuel Cycle and Material Safety
United States Nuclear Regulatory Commission
Washington, D.C. 20555

Docket 70-135, SNM-145 Renewal

Dear Mr. Rouse:

Enclosed (Attachment A) are Pennsylvania Operations replies to Mr. W. T. Crow's letter (dated February 17, 1978) concerning our SNM-145 Renewal Application. To document these replies, replacement (or new) pages for the application are enclosed (Attachment B-1, For Public Disclosure; Attachment B-2, Not for Public Disclosure). Supportive information for the replies is also provided (Attachment C).

There are several questions described below which require additional efforts. Complete answers will be provided by the indicated commitment dates:

Question	Reply Commitment Date
Section I, Question 11	April 30, 1978
Section I, Question 15	May 1, 1978
Demonstration, Question 1	July 1, 1978
Demonstration, Question 2	July 1, 1978
Demonstration, Question 4(a), 4(b)	July 1, 1978
Demonstration, Question 4(c)	April 15, 1978
Demonstration, Question 4(d)	June 15, 1978
ALARA Submittal, Question 2	April 15, 1978
ALARA Submittal, Question 3	May 1, 1978

Changes made on the revised (new) pages, detailed below, have been identified and dated:

Revised (or new) page number (date)		Previous Page Number (date)
New I 1.0 (3/15/78)		-
Revised I.A.1.2 (3/15/78)	replaces	I.A.1.2 (10/3/77)
" I.A.1.3 (3/15/78)	"	I.A.1.3 (10/3/77)
" I.A.1.4 (3/15/78)	"	I.A.1.4 (10/3/78)
" I.B.4.4 (3/15/78)	"	I.B.4.4 (10/3/78)
" I.B.4.11 (3/15/78)	"	I.B.4.11 (10/3/78)
" I.B.5.6 (3/15/78)	"	I.B.5.6 (10/3/78)
" I.B.5.7 (3/15/78	"	I.B.5.7 (10/3/78)

Attachment B-2 Withheld.