



**PUBLIC
SERVICE
INDIANA**

S. W. Shields
Senior Vice President -
Nuclear Division

December 21, 1983
SVP-0169-83

Mr. B. J. Youngblood
Office of Nuclear Reactor Regulation
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Docket Nos.: STN 50-546
STN 50-547
Construction Permit Nos.:
CPPR - 170
CPR-2 - 171

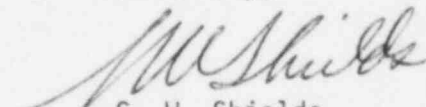
MARBLE HILL NUCLEAR GENERATING STATION - UNITS 1 AND 2

Dear Mr. Youngblood:

Per your letter to Mr. Shields dated November 25, 1983 Public Service Company of Indiana, Inc. hereby submits a revised affidavit requesting that the material transmitted to the U. S. Nuclear Regulatory Commission (NRC) in response to NRC's Environmental Report - Operating License Stage Question 470.7 be withheld from public disclosure pursuant to 10 CFR 2.790.

If you have any questions, please contact me at your convenience.

Sincerely,


S. W. Shields

SWS/TGH/bak

cc: H. R. Denton
J. F. Schapker
D. G. Eisenhut
T. M. Novak
P. W. O'Connor

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PAUL L. WATTELET
PARTNER
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Before the United
States Nuclear Regulatory
Commission

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AFFIDAVIT OF
PAUL L. WATTELET

I, PAUL L. WATTELET, being duly sworn, depose and state as follows:

1. I am a partner in the firm of Sargent & Lundy (S&L) and S&L's Project Director for Public Service Company of Indiana's Marble Hill Nuclear Generating Station, Units 1 and 2. I am responsible for reviewing the information described in paragraph 2 which is sought to be withheld as proprietary and am authorized to apply for its withholding.
2. The information sought to be withheld is entitled "A Computer Program to Calculate Annual Average Doses and Accident x/Q's (Annual ZAP-AZAP)," S&L Program No. 09.8.054-1.6.
3. In designating material as proprietary, S&L relies on professional judgement and on the definition of proprietary information and trade secrets set forth in the American Law Institute's RESTATEMENT OF TORTS, Section 757. This definition provides:

"A trade secret may consist of any formula, pattern, device or compilation of information which is used in one's business and which gives him the opportunity to obtain an advantage over competitors who do not know or use it... A substantial element of secrecy must exist, so that, except by the use of improper means, there would be difficulty in acquiring information... Some factors to be considered in determining whether given information is one's trade secret are: (1) the extent to which the information is known outside of his business; (2) the extent to which it is known by employees and others involved in his business; (3) the extent

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of measures taken by him to guard the secrecy of the information; (4) the value of the information to him and to his competitors; (5) the amount of effort or money expended by him in developing the information; (6) the ease or difficulty with which the information could be properly acquired or duplicated by others."

4. Some examples of information considered proprietary by S&L are:
 - a. Power plant site studies prepared by S&L and the information acquired during the course of preparing the site study;
 - b. S&L's lists of suppliers or contractors for consideration in supplying the various types of equipment and labor specialties that may be required for a project designed by S&L;
 - c. Computer programs authored by S&L;
 - d. Information which if used by a competitor would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation or licensing of a similar product;
 - e. Information which reveals cost or price information, budget levels or commercial strategies of S&L, its customers or suppliers;
 - f. Information which discloses subject matter eligible for patent or copyright protection; and
 - g. Information which S&L must treat as proprietary according to agreements with other parties.
5. All information determined to be proprietary is identified as such by attaching the following notice:

"PROPRIETARY DOCUMENT"

This document contains proprietary information of Sargent & Lundy. The information contained in this report represents a summary of the experience and expertise collected over a period of several years by a number of people within Sargent & Lundy. Consequently, the contents of this document shall be considered proprietary information and may not be used, reproduced or revealed to others without the written permission of Sargent & Lundy."

6. Approval for proprietary treatment of a document or class of documents is made by a Partner of S&L, who is responsible for assessing the value and sensitivity of the information in relation to industry knowledge. Access to such documents within S&L is limited on a strict "need to know" basis and such documents at all times are clearly identified as proprietary by attaching the notice specified in paragraph 5.
7. Approval for external release of a proprietary document is the responsibility of a Partner of S&L. Disclosure is generally limited to regulatory bodies, clients and potential clients and their agents, and suppliers only in accordance with regulatory provisions and proprietary agreements.
8. I have personally evaluated the document described in paragraph 2 in accordance with the above criteria and have found it to contain information which is proprietary. This document has customarily been held in confidence by S&L and is not available in public sources. The notice in paragraph 5 has been included as a part of this document since it was developed.
9. The document described in paragraph 2 sets forth the calculation models used for evaluating gaseous effluent doses in accordance with methodologies promulgated by the U.S. Nuclear Regulatory Commission in Regulatory Guides 1.109 (Rev. 1, October 1977) and 1.111 (Rev. 1, July 1977); accident χ/Q 's at various downwind locations can also be calculated using the prescriptions of Regulatory Guide 1.4 (Rev. 2, June 1974) and Regulatory Guide 1.145 (August 1979).

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10. Public disclosure of the information sought to be withheld is likely to cause substantial harm to the competitive position of S&L and to derive or reduce the availability of profit-making opportunities. The cost required to produce the program in question is in the tens of thousands of dollars.

STATE OF ILLINOIS)
COUNTY OF COOK)

I, PAUL L. WATTELET, being duly sworn, depose and say that I have read the foregoing affidavit prepared in accordance with the requirements of 10 CFR § 2.790, and the matters stated therein are true and correct to the best of my knowledge, information, and belief.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 19th day of December, 1983.

Paul L. Wattelet
PAUL L. WATTELET
Partner and Project Director

Sworn to and subscribed before me, a Notary Public, this 19th day of December, 1983.

Kathleen Davis
Notary Public, State of
Illinois