January 8, 2001

Dr. Theodore U. Marston
Vice President and Chief Nuclear Officer
Electric Power Research Institute
3412 Hillsview Avenue
Palo Alto, CA 94304

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE ELECTRIC POWER RESEARCH INSTITUTE (EPRI) (TAC NO. MA9827)

Dear Dr. Marston:

By letter dated December 4, 2000, Energy Northwest submitted EPRI Report TR-111880, "Piping System Failure Rates and Rupture Frequencies for Use in Risk-Informed In-Service Inspection Applications." By affidavit dated November 1, 2000, you requested that it be withheld from public disclosure pursuant to 10 CFR 2.790. A nonproprietary version of this document has been placed in the NRC public document room and added to the Agencywide Documents Access and Management Systems Publicly Available Records System (ADAMS PARS) Library.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

(iv) The Report is not available in public sources. EPRI developed the Report only after making a determination that the Report was not available from public sources. It required a large expenditure of dollars for EPRI to develop the Report. In addition, EPRI was required to use a large amount of time of EPRI employees. The money spent, plus the value of EPRI's staff time in preparing the Report, show that the Report is highly valuable to EPRI. Finally, the Report was developed only after a long period of effort of at least several months.

(v) A public disclosure of the Report would be highly likely to cause substantial harm to EPRI's competitive position and the ability of EPRI to license the Report both domestically and internationally. The Report can only be acquired and/or duplicated by others using an equivalent investment of time and effort.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the version of EPRI Report TR-111880, "Piping System Failure Rates and Rupture Frequencies for Use in Risk-Informed In-Service Inspection Applications," marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.790(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

If you have any questions regarding this matter, I may be reached at 301-415-1424.

Sincerely,

/RA/

Jack Cushing, Project Manager, Section 2
Project Directorate IV & Decommissioning
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-397

cc: See next page

Therefore, the version of EPRI Report TR-111880, "Piping System Failure Rates and Rupture Frequencies for Use in Risk-Informed In-Service Inspection Applications," marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.790(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

If you have any questions regarding this matter, I may be reached at 301-415-1424.

Sincerely,
/RA/

Jack Cushing, Project Manager, Section 2
Project Directorate IV & Decommissioning
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-397

cc: See next page

DISTRIBUTION:
PUBLIC
PDIV-2 Reading
SRichards (RidsNrrDlpmLpdiv)
SDembek
RidsNrrPMJCushing
RidsNrrLAEPeyton
MPSiemien, OGC
KBrockman, DBujol (RidsRgn4MailCenter)
SDinsmore
MRubin

Accession No. ML010080097

OFFICE	PDIV-2/PM	PDIV-2/LA	SPSB/SC	OGC	PDIV-2/SC
NAME	JCushing:lcc	EPeyton	MRubin	MPSiemien	SDembek
DATE	01/02/01	12/26/00	01/03/01	01/04/01	01/08/01

OFFICIAL RECORD COPY

cc:
Mr. Greg O. Smith (Mail Drop 927M)
Vice President, Generation
Energy Northwest
P. O. Box 968
Richland, WA 99352-0968

Mr. Albert E. Mouncer (Mail Drop 1396)
Chief Counsel
Energy Northwest
P.O. Box 968
Richland, WA 99352-0968

Ms. Deborah J. Ross, Chairman
Energy Facility Site Evaluation Council
P. O. Box 43172
Olympia, WA 98504-3172

Mr. D. W. Coleman (Mail Drop PE20)
Manager, Regulatory Affairs
Energy Northwest
P.O. Box 968
Richland, WA 99352-0968

Mr. Paul Inserra (Mail Drop PE20)
Manager, Licensing
Energy Northwest
P.O. Box 968
Richland, WA 99352-0968

Regional Administrator, Region IV
U.S. Nuclear Regulatory Commission
Harris Tower & Pavilion
611 Ryan Plaza Drive, Suite 400
Arlington, TX 76011-8064

Chairman
Benton County Board of Commissioners
P.O. Box 69
Prosser, WA 99350-0190

Senior Resident Inspector
U.S. Nuclear Regulatory Commission
P.O. Box 69
Richland, WA 99352-0069

Mr. Rodney L. Webring (Mail Drop PE08)
Vice President, Operations Support/PIO
Energy Northwest
P. O. Box 968
Richland, WA 99352-0968

Thomas C. Poindexter, Esq.
Winston & Strawn
1400 L Street, N.W.
Washington, DC 20005-3502

Mr. Bob Nichols
Executive Policy Division
Office of the Governor
P.O. Box 43113
Olympia, WA 98504-3113

Ms. Lynn Albin
Washington State Department of Health
P.O. Box 7827
Olympia, WA 98504-7827

Mr. J. V. Parrish
Chief Executive Officer
Energy Northwest
P.O. Box 968 (Mail Drop 1023)
Richland, WA 99352-0968