



NUCLEAR ENERGY INSTITUTE

Alexander Marion
DIRECTOR
ENGINEERING DEPARTMENT
NUCLEAR GENERATION DIVISION

June 29, 2001

Dr. Brian W. Sheron
Associate Director for Project Licensing and Technical Analysis
Office of Nuclear Reactor Regulation
U. S. Nuclear Regulatory Commission
Mail Stop O5-E7
Washington, DC 20555-0001

SUBJECT: Response to June 22, 2001, letter from Dr. Brian Sheron (NRC) to Mr. Alex Marion (NEI) transmitting NRC staff questions on EPRI Interim Report TP-1001491, Part 2

PROJECT NUMBER: 689

Dear Dr. Sheron:

This letter provides industry responses to NRC questions on TP-1001491, Part 2, *PWR Materials Reliability Project Interim Alloy 600 Safety Assessments for US PWR Plants* (MRP-44). The responses are contained in the enclosed report MRP2001-050 (proprietary and non-proprietary versions) along with the associated affidavit requesting that the NRC withhold select portions of the report.

Table 2 of the enclosure identifies the plants that fall within the top three assessment groups of the susceptibility ranking with Fall 2001 refueling outages. Utility validation of the specific design and fabrication data, and operating conditions resulted in a change in the number of plants. There are currently 8 PWR plants that fall within the 10 effective full power year operating time of Oconee Unit 3. Efforts are underway to provide the necessary support in terms of inspection techniques, tooling and training of inspection teams. Enhanced visual inspections will be conducted of the reactor vessel head.

We are continuing our efforts to validate data similar to that listed in Table 2 for the remaining PWR plants and expect to be completed by the end of July. The remaining items dealing with interference fits for the Westinghouse plant designs, risk assessment, crack growth and finite element stress analysis will be included in the final assessment report.

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If you have any question about the enclosures, please contact Kurt Cozens at 202-739-8085, koc@nei.org or me.

Sincerely,



Alex Marion

AM/maa
Enclosures

- c: Mr. Jack R. Strosnider, U. S. Nuclear Regulatory Commission
Mr. Jacob I. Zimmerman, U. S. Nuclear Regulatory Commission
- bc: Mr. Jack A. Bailey, Tennessee Valley Authority
Mr. Larry Mathews, Southern Nuclear Operating Company
Mr. C. Welty, Electric Power Research Institute

June 28, 2001

Document Control Clerk
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Washington, DC 20555

Subject: Response to NRC Review Comments Relating to "PWR Material Reliability Project, Interim Alloy 600 Safety Assessments for U.S. PWR Plants, Part 2: Reactor Vessel Top Head Penetrations," EPRI Report TP-1001491, Part 2, May 2001

Gentlemen:

This is a request under 10CFR2.790(a)(4) that the NRC withhold from public disclosure the information identified in the enclosed affidavit consisting of EPRI owned Proprietary Information identified above (the "Document"). Copies of the Document and the affidavit in support of this request are enclosed.

EPRI desires to disclose the Document in confidence to the NRC as a means of exchanging information with the NRC staff for the purpose of supporting generic regulatory improvements related to the management of the MRP Alloy 82/182 weld integrity. EPRI welcomes any discussion with the NRC regarding the Document that the NRC desires to conduct.

The Document is for the NRC's internal use and may be used only for the purposes for which it is disclosed by EPRI. The Document should not be otherwise used or disclosed to any person outside the NRC without prior written permission from EPRI.

If you have any questions about the legal aspects of this request for withholding, please do not hesitate to contact me at (650) 855-2997. Questions on the contents of the Document should be directed to Mr. Al McIlree of EPRI at (650) 855-2092.

Sincerely,



Theodore U. Marston, Ph.D.
Vice President & Chief Nuclear Officer

Enclosures

c: Licensing

AFFIDAVIT

RE: Response to NRC Review Comments Relating to "PWR Material Reliability Project, Interim Alloy 600 Safety Assessments for U.S. PWR Plants, Part 2: Reactor Vessel Top Head Penetrations," EPRI Report TP-1001491, Part 2, May 2001

I, THEODORE U. MARSTON, being duly sworn, depose and state as follows:

I am a Vice President at the Electric Power Research Institute ("EPRI") and I have been specifically delegated responsibility for the Document listed above that is sought under this affidavit to be withheld (the "Document") and authorized to apply for their withholding on behalf of EPRI. This affidavit is submitted to the Nuclear Regulatory Commission ("NRC") pursuant to 10 CFR 2.790 (a)(4) based on the fact that the Document consists of trade secrets of EPRI and that the NRC will receive the Document from EPRI under privilege and in confidence.

The basis for withholding such Document from the public is set forth below:

(i) The Document has been held in confidence by EPRI, its owner. All those accepting copies of the Document must agree to preserve the confidentiality of the Document.

(ii) The Document is a type customarily held in confidence by EPRI and there is a rational basis therefor. The Document is a type, which EPRI considers as a trade secret(s) and is held in confidence by EPRI because to disclose it would prevent EPRI from licensing the Document at fees, which would allow EPRI to recover its investment. If consultants and/or other businesses providing services in the electric/nuclear power industry were able to publicly obtain the Document, they would be able to use it commercially for profit and avoid spending the large amount of money that EPRI was required to spend in preparation of the Document. The rational basis that EPRI has for classifying this/these Document(s) as a trade secrets is justified by the Uniform Trade Secrets Act, which California adopted in 1984 and which has been adopted by over twenty states. The Uniform Trade Secrets Act defines a "trade secret" as follows:

"Trade secret" means information, including a formula, pattern, compilation, program, device, method, technique, or process, that:

(1) Derives independent economic value, actual or potential, from not being generally known to the public or to other persons who can obtain economic value from its disclosure or use; and

(2) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

(iii) The Document will be transmitted to the NRC in confidence.

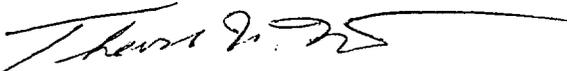
(iv) The Document is not available in public sources. EPRI developed the Document only after making a determination that the Document was not available from public sources. It required a large expenditure of dollars for EPRI to develop the Document. In addition, EPRI was required to use a large amount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

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

I have read the foregoing and the matters stated therein are true and correct to the best of my knowledge, information and belief. I make this affidavit under penalty of perjury under the laws of the United States of America and under the laws of the State of California.

Executed at 3412 Hillview Avenue, Palo Alto, being the premises and place of business of the Electric Power Research Institute:

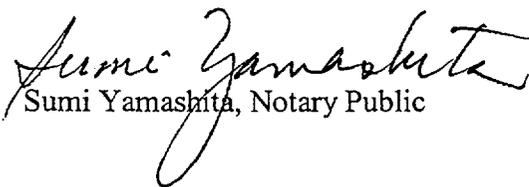
June 28, 2001



Theodore U. Marston

Subscribed and sworn before me this day:

June 28, 2001



Sumi Yamashita, Notary Public

