



NUCLEAR ENERGY INSTITUTE

Alexander Marion
DIRECTOR
ENGINEERING DEPARTMENT
NUCLEAR GENERATION DIVISION

February 8, 2002

Document Control Clerk
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

SUBJECT: EPRI Affidavit Requesting that Portion of a Meeting Be Closed

Enclosed is an EPRI affidavit that requests the NRC to agree that certain information scheduled to be presented at a February 20, 2002, meeting on Alloy 600 issues be treated as proprietary. In addition, the affidavit requests that the portion of the meeting during which this information will be discussed should be closed to public participation.

We request that the NRC perform an expedited review of this request to facilitate industry's preparation for the meeting.

Please notify Kurt Cozens at 202-739-8085, koc@nei.org, or me, of the NRC staff's disposition.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Marion", written over a large, stylized "A" that also serves as a signature element.

for Alexander Marion

KOC/maa
Enclosure

c: Ms. Beth A. Wetzel, U.S. Nuclear Regulatory Commission
Mr. William H. Bateman, U.S. Nuclear Regulatory Commission
Mr. Edwin M. Hackett, U.S. Nuclear Regulatory Commission

YG01



February 7, 2002

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

Subject: Presentation: Alloy 600 Crack Growth Rate and Probabilistic Fracture Mechanics
Methodology, EPRI PWR MRP Meeting with NRC (RES) Staff, February 21, 2002

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 "Presentation"). Copies of the Presentation and the affidavit in support of this request are enclosed.

EPRI desires to disclose the Presentation 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 Presentation that the NRC desires to conduct.

The Presentation is for the NRC's internal use and may be used only for the purposes for which it is disclosed by EPRI. The Presentation 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 Presentation should be directed to Ms. Christine King of EPRI at (650) 855-2605.

Sincerely,



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

Enclosures

c: Licensing
B. Wetzel (NRC Staff)
E. Hackett (NRC Staff)



AFFIDAVIT

RE: Presentation: Alloy 600 Crack Growth Rate and Probabilistic Fracture Mechanics Methodology, EPRI PWR MRP Meeting with NRC (RES) Staff, February 21, 2002

I, Robin L. Jones, 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 information listed above that is sought under this affidavit to be withheld (the "Presentation") 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 Presentation consists of trade secrets of EPRI and that the NRC will receive the Presentation from EPRI under privilege and in confidence.

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

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

(ii) The Presentation is a type customarily held in confidence by EPRI and there is a rational basis therefore. The Presentation 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 material provided in the Presentation 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 Presentation, 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 Presentation. The rational basis that EPRI has for classifying this/these Presentation(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 Presentation will be transmitted to the NRC in confidence.

(iv) The Presentation is not available in public sources. EPRI developed the Presentation only after making a determination that the Presentation was not available from public sources. It required a large expenditure of dollars for EPRI to develop the Presentation. 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 Presentation, show that the Presentation is highly valuable to EPRI. Finally, the Presentation was developed only after a long period of effort of at least several months.

(v) A public disclosure of the Presentation would be highly likely to cause substantial harm to EPRI's competitive position and the ability of EPRI to license the Presentation both domestically and internationally. The Presentation 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 American and under the laws of the State of California.

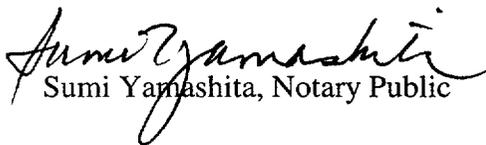
Executed at 3412 Hillview Avenue, Palo Alto, being the premises and place of business of the Electric Power Research Institute:

February 7, 2002


Robin L. Jones

Subscribed and sworn before me this day:

February 7, 2002


Sumi Yamashita, Notary Public

