

June 6, 2003

Dr. Theodore U. Marston  
Vice President and Chief Nuclear Officer  
EPRI  
3412 Hillview Avenue  
Palo Alto, CA 94304

SUBJECT: NUCLEAR ENERGY INSTITUTE – REQUEST FOR WITHHOLDING  
INFORMATION FROM PUBLIC DISCLOSURE

Dear Dr. Marston:

By letter dated December 17, 2002, the Nuclear Energy Institute (NEI) submitted an affidavit dated November 26, 2002, executed by you, requesting that the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790:

"Pressurized Water Reactor Steam Generator Examination Guidelines:  
Revision 6"

A nonproprietary copy of the document was provided for placement in the Nuclear Regulatory Commission's (NRC's) Public Document Room and for addition to the Agencywide Documents Access and Management System Public Electronic Reading Room.

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

- (i) The Report has been held in confidence by EPRI, its owner.
- (ii) The Report is a type customarily held in confidence by EPRI and there is a rational basis therefor.
- (iii) The Report will be transmitted to the NRC in confidence.
- (iv) The report is not available in public sources.
- (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.

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 document entitled, "Pressurized Water Reactor Steam Generator Examination Guidelines: Revision 6," 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) 415-3764.

Sincerely,

**/RA/**

Brian Benney, Project Manager, Section 2  
Project Directorate IV  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

cc: Mr. Alex Marion  
Director, Engineering  
Nuclear Generation Division  
Nuclear Energy Institute  
1776 I Street, NW  
Washington, DC 20006-3708

T. Marston

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Brian Benney, Project Manager, Section 2  
Project Directorate IV  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

cc: Mr. Alex Marion  
Director, Engineering  
Nuclear Generation Division  
Nuclear Energy Institute  
1776 I Street, NW  
Washington, DC 20006-3708

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\*For previous concurrences  
see attached ORC

**ADAMS ACCESSION NO.: ML031600694**

**NRR-084**

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