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EPRI

BWRVIP BWR Vessel & Internals Project 2003-173

June 10, 2003

Document Control Desk
U. S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852

Attention: Meena Khanna

Subject: Project No. 704 – BWRVIP-113: BWR Vessel and Internals Project, River Bend 183 Degree Surveillance Capsule Report

Enclosed are ten (10) copies of the report "BWRVIP-113: BWR Vessel and Internals Project, River Bend 183 Degree Surveillance Capsule Report," EPRI Technical Report 1003345, June 2003. This report is being transmitted to the NRC as a means of exchanging information with the NRC for the purpose of supporting generic regulatory improvements related to surveillance programs for monitoring changes in BWR reactor pressure vessel material properties due to neutron irradiation.

The enclosed report documents the irradiation behavior of the materials contained in the River Bend 183 degree surveillance capsule. The results in BWRVIP-113 will be utilized in the BWRVIP Integrated Surveillance Program (ISP).

Please note that the enclosed report contains proprietary information. A letter requesting that the report be withheld from public disclosure and an affidavit describing the basis for withholding this information are provided as Attachment 1.

If you have any questions on this subject, please contact Robin Dyle (Southern Nuclear), BWRVIP Assessment Committee Technical Chairman, by telephone at 205.992.5885.

Sincerely,

Carl Terry
Chairman, BWR Vessel and Internals Project
Constellation Generation Group
Nine Mile Point Nuclear Station

c: Matt Mitchell, NRC

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Attachment 1

ELECTRIFY THE WORLD

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June 9, 2003

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

Subject: "BWRVIP-113: BWR Vessel and Internals Project, River Bend 183 Degree Surveillance Capsule Report," EPRI Report 1003345, June 2003.

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

EPRI desires to disclose the Report in confidence to the NRC as a means of exchanging information in support of generic regulatory improvements relating to methodologies to determine neutron fluence in BWR internal components. Further, EPRI welcomes any discussion with the NRC regarding the Report that the NRC desires to conduct.

The Report is for the NRC's internal use and may be used only for the purposes for which it is disclosed by EPRI. The report 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 Report should be directed to Mr. Tom Mulford of EPRI at (650) 855-2766.

Sincerely,

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

Enclosures

c: Licensing

EPRI

AFFIDAVIT

RE: "BWRVIP-113: BWR Vessel and Internals Project, River Bend 183 Degree Surveillance Capsule Report," EPRI Report 1003345, June 2003.

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 report listed above that is sought under this affidavit to be withheld (the "Report") 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 Report consists of trade secrets of EPRI and that the NRC will receive the Report from EPRI under privilege and in confidence.

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

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

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

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(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.

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 9, 2003

Theodore U. Marston

Subscribed and sworn before me this day: June 9, 2003

Nichole Alexandra Edraos, Notary Public

NICHOLE ALEXANDRA EDRAOS
Comm. # 1295461
NOTARY PUBLIC - CALIFORNIA
Santa Clara County
My Comm. Expires Feb. 26, 2005

Subscribing Witness:

ALL-PURPOSE ACKNOWLEDGEMENT

State of California
County of Santa Clara } ss.

On June 9, 2003 (DATE) before me, Nichole Alexandra Edraos (NOTARY),
personally appeared Barbara Jeanne Ryan (SIGNER(S))

☐ personally known to me - OR - ☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

NICHOLE ALEXANDRA EDRAOS
Comm. # 1295461
NOTARY PUBLIC - CALIFORNIA
Santa Clara County
My Comm. Expires Feb. 26, 2005

Subscribing witness

WITNESS my hand and official seal.

Nichole Alexandra Edraos
NOTARY'S SIGNATURE

OPTIONAL INFORMATION

The information below is not required by law. However, it could prevent fraudulent attachment of this acknowledgement to an unauthorized document.

CAPACITY CLAIMED BY SIGNER (PRINCIPAL)

☒ INDIVIDUAL
☐ CORPORATE OFFICER

_____
TITLE(S)

☐ PARTNER(S)
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER: _____

DESCRIPTION OF ATTACHED DOCUMENT

_____
TITLE OR TYPE OF DOCUMENT

_____
NUMBER OF PAGES

_____
DATE OF DOCUMENT

_____
OTHER

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

_____

RIGHT THUMBPRINT OF SIGNER

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