



NUCLEAR ENERGY INSTITUTE

**Alexander Marlon**  
DIRECTOR  
ENGINEERING DEPARTMENT  
NUCLEAR GENERATION DIVISION

June 23, 2003

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

**SUBJECT: PWR Primary Water Chemistry Guidelines**

**PROJECT NUMBER: 689**

Dear Dr. Sheron:

In previous communications we agreed to provide draft copies of revisions to EPRI steam generator program guidelines for your review. The PWR Primary Water Chemistry Guidelines are currently being revised and proprietary and non-proprietary versions of the document are enclosed. Your comments on this document are requested by July 21, 2003 in order to support our publication schedule. We request that you provide your comments electronically to Jim Benson at EPRI ([jbenson@epri.com](mailto:jbenson@epri.com)) using the form included as Enclosure 1.

The proprietary information in Enclosure 2 is supported by the signed affidavit in Enclosure 3. The affidavits set forth the basis on which the information may be withheld from public disclosure by the Commission and addresses with specificity, the consideration listed in paragraph (b)(4) of Section 2.790 of the Commission's regulations. Accordingly, we respectfully request that the information, which is proprietary to EPRI, be withheld from public disclosure in accordance with 10 CFR 2.790. Non-proprietary versions of this information are provided in Enclosure 4.

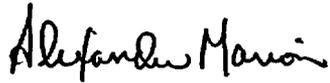
As has been the past practice, we believe that NRC staff review of the enclosed information is exempt from the fee recovery provision contained in 10 CFR Part 170. This submittal provides information that might be helpful to NRC staff when evaluating licensee submittals provided to implement the Steam Generator Program Generic License Change Package. Such reviews are exempted under §170.21, Schedule of Facility Fees. Footnote 4 to the Special Projects provision of §170.21 states, "Fees will not be assessed for requests/reports submitted to the



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**NRC...as means of exchanging information between industry organizations and the NRC for the purpose of supporting generic regulatory improvements or efforts.”**  
If you have any questions, please contact me or Jim Riley at 202-739-8137,  
jhr@nei.org.

Sincerely,



Alexander Marion

Enclosures

c: Mr. William H. Bateman  
Ms. Louise Lund  
Mr. Kenneth Karwoski  
Mr. Emmett Murphy

**PWR Primary Water Chemistry Guidelines:  
Comment Form**



Enclosure 3

**PWR Primary Water Chemistry Guidelines:**

**Draft Revision 5**

**Proprietary Affidavit**

June 19, 2003

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

Subject: "PWR Primary Water Chemistry Guidelines: Volumes 1 and 2, Revision 5" DRAFT EPRI  
Report 1002884, 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 NEI 97-06, "Steam Generator Program Guidelines." 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) 855-2748. Questions on the contents of the Report should be directed to James M. Benson of EPRI at (650) 855-2146.

Sincerely,

  
Lynne Postlethwaite  
Director, Business Operations

Enclosures (1)

c: Licensing  
Jim Riley / NEI



## AFFIDAVIT

RE: "PWR Primary Water Chemistry Guidelines: Volumes 1 and 2, Revision 5" DRAFT EPRI Report 1002884, June 2003.

I, LYNNE POSTLETHWAITE, being duly sworn, depose and state as follows:

I am a Director 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.

(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 19, 2003

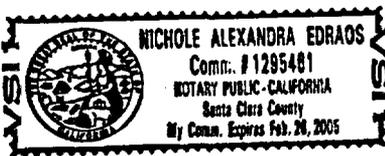
*Lynne Postlethwaite*

Lynne Postlethwaite

Subscribed and sworn before me this day: June 19, 2003

*Nichole Alexandra Edraos*

Nichole Alexandra Edraos, Notary Public



**ALL-PURPOSE ACKNOWLEDGEMENT**

State of California

County of San Joaquin } ss.

On 6/19/03 before me, Nichole Alexandra Edraos,  
(DATE) (NOTARY)

personally appeared Lynne Postel White  
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.



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**

WRC Affidavit  
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

