

July 16, 2004

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

Subject: Documentation of Materials Reliability Program Alloy 82/182 Pipe Butt Weld  
Safety Assessment for U.S. PWR Plant Designs

Gentlemen:

This is a request under 10CFR2.390(b) that the NRC withhold from public disclosure the information identified in the enclosed affidavit consisting of EPRI owned Proprietary Information identified above (the "Documentation"). Copies of the Documentation and the affidavit in support of this request are enclosed. The "Documentation" consists of the following report:

"Materials Reliability Program: Alloy 82/182 Pipe Butt Weld Safety Assessment for U.S. PWR Plant Designs (MRP-113)", EPRI Report 1007029, July 2004.

EPRI desires to disclose the "Documentation" in confidence to the NRC as a means of exchanging information in support of generic regulatory improvements relating to safety evaluations of Alloy 82/182 Pipe Butt Welds for U.S. PWR Plants. Further, EPRI welcomes any discussion with the NRC regarding the "Documentation" that the NRC desires to conduct.

The "Documentation" is for the NRC's internal use and may be used only for the purposes for which it is disclosed by EPRI. The "Documentation" 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) 855-2340. Questions on the contents of the "Documentation" should be directed to Ms. Christine King of EPRI at (650) 855-2605.

Sincerely,



Warren J. Bilanin  
Director, Nuclear Power Sector

Enclosures

c: Nichole Edraos, EPRI

## AFFIDAVIT

RE: Documentation of Materials Reliability Program Alloy 82/182 Pipe Butt Weld Safety:

- “Materials Reliability Program: Alloy 82/182 Pipe Butt Weld Safety Assessment for U.S. PWR Plant Designs (MRP-113)”, EPRI Report 1007029, July 2004.

I, WARREN J. BILANIN, 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 Documentation listed above that is sought under this affidavit to be withheld (the “Documentation”) 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 2.390 (b) based on the fact that the Documentation consists of trade secrets of EPRI and that the NRC will receive the Documentation from EPRI under privilege and in confidence.

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

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

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

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

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

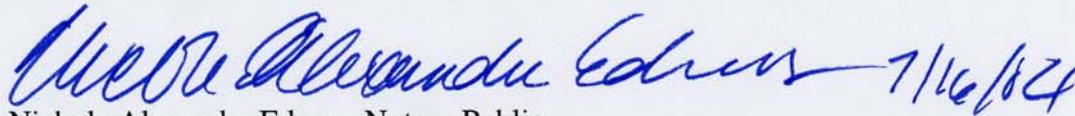
Executed at 3412 Hillview Avenue, Palo Alto, being the premises and place of business of the Electric Power Research Institute:

July 16, 2004

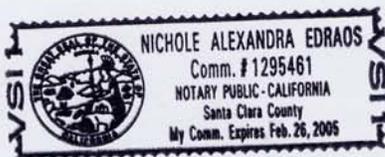


Warren J. Bilanin

Subscribed and sworn before me this day: July 16, 2004



Nichole Alexandra Edraos, Notary Public



**SUBSCRIBING WITNESS JURAT**

State of California }  
County of Santa Clara } SS.

On 7/16/04, before me, the undersigned, a notary public for the state, personally appeared Bonnie Jeanne Ryan, personally known to me (or proved to me on the oath of \_\_\_\_\_, who is personally known to me) to

SUBSCRIBING WITNESS'S NAME

CREDIBLE WITNESS'S NAME

be the person whose name is subscribed to the within instrument, as a witness there to, who, being by me duly sworn, deposed and said that he/she was present and saw Wendee Blann the

NAME(S) OF PRINCIPAL(S)

same person(s) described in and whose name(s) is/are subscribed to the within and annexed instrument in his/her/their authorized capacity(ies) as (a) party(ies) thereto, execute the same, and that said affiant subscribed his/her name to the within instrument as a witness at the request of

Wendee Blann

NAME(S) OF PRINCIPAL(S)

WITNESS my hand and official seal.

NOTARY'S SIGNATURE



**OPTIONAL INFORMATION**

The information below is optional. However, it may prove valuable and could prevent fraudulent attachment of this form to an unauthorized document.

**CAPACITY CLAIMED BY SIGNER (PRINCIPAL)**

- INDIVIDUAL
- CORPORATE OFFICER

TITLE(S)

- PARTNER(S)
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- SUBSCRIBING WITNESS
- OTHER: \_\_\_\_\_

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

**DESCRIPTION OF ATTACHED DOCUMENT**

TITLE OR TYPE OF DOCUMENT

NUMBER OF PAGES

DATE OF DOCUMENT

OTHER

RIGHT THUMBPRINT  
OF  
SIGNER

Top of thumbprint here