



NUCLEAR ENERGY INSTITUTE

Alexander Marion
SENIOR DIRECTOR, ENGINEERING
NUCLEAR GENERATION DIVISION

August 24, 2004

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

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

PROJECT NUMBER: 689

On July 20, 2004, NEI submitted MRP-113, *Alloy 82/182 Pipe Butt Weld Safety Assessment for U.S. PWR Plant Designs*, to the NRC. This report, and its supporting technical reports, provides the technical basis for an inspection plan for Alloy 82/182 butt welds which is currently being developed by the MRP. This letter forwards proprietary and non-proprietary versions of two of the reports referenced within MRP-113 for your information.

The proprietary information in the attached reports is supported by the signed affidavit in Enclosure 1. The affidavit sets 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 2.390 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 2.390.

We would be pleased to meet with you or provide any support necessary to expedite acceptance of the outstanding issues regarding the database. If you have any questions on this matter, please contact me (202-739-8080; am@nei.org) or Jim Riley (202-739-8137; jhr@nei.org).

Sincerely,


Alex Marion

Enclosure

c: Mr. Richard Barrett, NRC
Mr. William H. Bateman, NRC
Mr. Terence L. Chan, NRC
Mr. Larry Mathews, SNOG
Ms. Christine King, EPRI



Proprietary Affidavit

ELECTRIFY THE WORLD



August 6, 2004

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

Subject: Additional 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 reports:

- "Materials Reliability Program: Alloy 82/182 Pipe Butt Weld Safety Assessment for the US PWR Plant Designs: Westinghouse and CE Design Plants (MRP-109)", EPRI Report 1009804, July 2004.
- "Materials Reliability Program: Alloy 82/182 Pipe Butt Weld Safety Assessment for US PWR Plant Designs: Babcock & Wilcox Design Plants (MRP-112)", EPRI Report 1009805, July 2004.

The "Documentation" identified here provides supporting information and calculations for the report entitled, "Materials Reliability Program: Alloy 82/182 Pipe Butt Weld Safety Assessment for U.S. PWR Plant Designs (MRP-113)" (EPRI Report 1007029, July 2004), which was previously submitted under separate cover.

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.

Document Control Desk
August 5, 2004
Page 2

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,

A handwritten signature in black ink, appearing to read "Warren J. Bilanin". The signature is written in a cursive style with a long horizontal flourish at the end.

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 the US PWR Plant Designs: Westinghouse and CE Design Plants (MRP-109)", EPRI Report 1009804, July 2004.
- "Materials Reliability Program: Alloy 82/182 Pipe Butt Weld Safety Assessment for US PWR Plant Designs: Babcock & Wilcox Design Plants (MRP-112)", EPRI Report 1009805, 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.

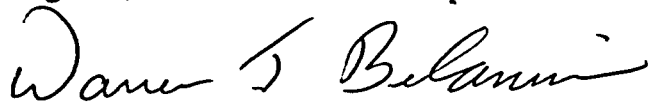
(iv) The Documentation is not available in public sources. EPRI developed the Documentation only after making a determination that the Documentation was not available from public sources. It required a large expenditure of dollars for EPRI to develop the Documentation. In addition, EPRI was required 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:

August 5, 2004



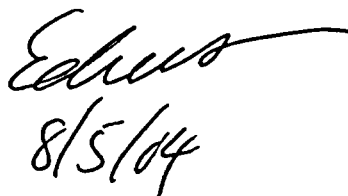
Warren J. Bilanin

Subscribed and sworn before me this day:

August 5, 2004



Nichole Alexandra Edraos, Notary Public



8/5/04

SUBSCRIBING WITNESS JURAT

State of California

County of Santa Clara } SS.

On 8/4/04, before me, the undersigned, a notary public for the state, personally

appeared Barbara Jeanne Ryan, personally known to me (or proved to

me on the oath of _____, who is personally known to me) to

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

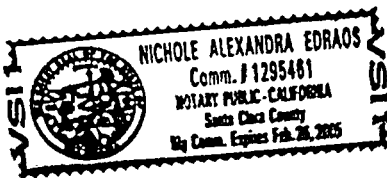
saw Warren Balaban the

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

Warren Balaban
NAME(S) OF PRINCIPAL(S)

WITNESS my hand and official seal.

Nicole Awardados
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

WRC Affidavit
TITLE OR TYPE OF DOCUMENT

NUMBER OF PAGES

DATE OF DOCUMENT

OTHER

RIGHT THUMBPRINT
OF
SIGNER

Top of thumbprint here

MRP

Materials Reliability Program _____ MRP 2004-025

August 13, 2004

Mr. Alex Marion
Director, Engineering
Nuclear Energy Institute
1776 I St NW STE 400
Washington, DC 20006-3708

Subject: Documentation to Support Materials Reliability Program Alloy 82/182 Pipe Butt Weld Safety Assessment for US PWR Plant Designs

Dear Alex,

Please find enclosed the following reports for your transmittal to the NRC under NEI letterhead.

- "Materials Reliability Program: Alloy 82/182 Pipe Butt Weld Safety Assessment for the US PWR Plant Designs: Westinghouse and CE Design Plants (MRP-109)", EPRI Report 1009804, July 2004.
- "Materials Reliability Program: Alloy 82/182 Pipe Butt Weld Safety Assessment for US PWR Plant Designs: Babcock & Wilcox Design Plants (MRP-112)", EPRI Report 1009805, July 2004.

The Alloy 600 ITG of the EPRI Materials Reliability Program is pleased to provide the enclosed reports to the NRC for their information. These reports provide supporting information and calculations for the report entitled, "Materials Reliability Program: Alloy 82/182 Pipe Butt Weld Safety Assessment for U.S. PWR Plant Designs (MRP-113)" (EPRI Report 1007029, July 2004), which was previously provided under separate cover.

An additional EPRI report that has been prepared in support of the safety assessment was requested by the NRC. This report, "Materials Reliability Program: Probabilistic Risk Assessment of Alloy 82/182 Piping Butt Welds (MRP-116)", will be sent under separate cover once it has been completed.

Please call if you have any questions.

Best Regards,

Christine King
Alloy 600 ITG



EPRI Materials Reliability Program

Page 2

cc: Larry Mathews, SNOG

Enclosures

1. MRP Proprietary CD: "Materials Reliability Program Alloy 82/182 Pipe Butt Weld Safety Assessment Documentation: MRP-109 and MRP-112"
2. Non-Proprietary CD: "Materials Reliability Program Alloy 82/182 Pipe Butt Weld Safety Assessment Documentation: MRP-109NP and MRP-112NP"