

November 12, 2004

Mr. Warren J. Bilanin  
Director, Nuclear Power Sector  
EPRI  
3412 Hillview Avenue  
Palo Alto, CA 94304

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

Dear Mr. Bilanin:

By letter dated November 5, 2004, the Nuclear Energy Institute (NEI) submitted an affidavit dated October 20, 2004, executed by you, requesting that the following documents be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390:

- "Materials Reliability Program: Generic Evaluation of Examination Coverage Requirements for Reactor Pressure Vessel Head Penetration Nozzles, Revision 1 (MRP-95R1)," EPRI Product Number 1011225, October, 2004.
- "Materials Reliability Program: Probabilistic Risk Assessment of Alloy 82/182 Piping Butt Welds (MRP-116)", EPRI Product Number 1009806, October, 2004.

Nonproprietary copies of the documents were 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 Documentation has been held in confidence by EPRI, its owner.
- (ii) The Documentation is a type customarily held in confidence by EPRI and there is a rational basis thereof.
- (iii) The Documentation will be transmitted to the NRC in confidence.
- (iv) The Documentation is not available in public sources.
- (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.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 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 documents:

- "Materials Reliability Program: Generic Evaluation of Examination Coverage Requirements for Reactor Pressure Vessel Head Penetration Nozzles, Revision 1 (MRP-95R1)," EPRI Product Number 1011225, October, 2004.
- "Materials Reliability Program: Probabilistic Risk Assessment of Alloy 82/182 Piping Butt Welds (MRP-116)", EPRI Product Number 1009806, October, 2004.

marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.390(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) 415-2829.

Sincerely,

\RA\

Joseph L. Birmingham, Project Manager  
Policy and Rulemaking  
Division of Regulatory Improvement Programs  
Office of Nuclear Reactor Regulation

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

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**IRA**

Joseph L. Birmingham, Project Manager  
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Nuclear Generation Division  
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DATE	11/12/04	11/12/04

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