



NUCLEAR ENERGY INSTITUTE

Alexander Marion
SENIOR DIRECTOR, ENGINEERING
NUCLEAR GENERATION DIVISION

November 5, 2004

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

SUBJECT: Supporting Documents – Materials Reliability Program Reactor Pressure Vessel Head Inspection Plan and Alloy 82/182 Butt Weld Safety Assessment

PROJECT NUMBER: 689

On April 14, 2004, NEI submitted MRP-110, *Reactor Vessel Closure Head (RVCH) Penetration Safety Assessment for U.S. PWR Plants*, to the NRC. This report, and its supporting technical reports, provides the technical basis for an inspection plan for reactor pressure vessel heads which is currently being developed by the MRP. This letter forwards proprietary and non-proprietary versions of an additional supporting document for an alternative head inspection plan for your information:

1. "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.

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 a report referenced within MRP-113 for your information.

2. "Materials Reliability Program: Probabilistic Risk Assessment of Alloy 82/182 Piping Butt Welds (MRP-116)", EPRI Product Number 1009806, October, 2004.

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.



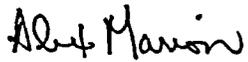
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We intend to continue to engage the staff in a series of meetings to address these issues as the final reports are completed. If you have any questions on this matter, please contact me (202-739-8080; am@nei.org) or Jim Riley (202-739-8137; jhr@nei.org).

Sincerely,



Alex Marion

Enclosure

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

Proprietary Affidavit

October 20, 2004

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

Subject: Documentation of Materials Reliability Program Generic Evaluation of Examination Coverage Requirements for Reactor Pressure Vessel Head Penetration Nozzles, Revision 1 and Probabilistic Risk Assessment of Alloy 82/182 Piping Butt Welds

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:

- 1) "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.
- 2) "Materials Reliability Program: Probabilistic Risk Assessment of Alloy 82/182 Piping Butt Welds (MRP-116)", EPRI Product Number 1009806, October, 2004.

EPRI desires to disclose the "Documentation" in confidence to the NRC as a means of exchanging information in support of 1) an alternative head inspection plan based on a comprehensive RPV top head safety assessment and 2) a final alloy 82/182 pipe butt weld safety assessment. Item 1 of this "Documentation" contains a generic technical justification of the inspection zone contained in the MRP inspection plan. The MRP inspection plan is being developed into a report entitled, *Materials Reliability Program: Inspection Plan for Reactor Vessel Closure Head Penetrations in U.S. PWR Plants (MRP-117)*. Item 2 contains a probabilistic risk assessment that was used as input to the report, *Materials Reliability Program: Alloy 82/182 Pipe Butt Weld Safety Assessment for US PWR Plant Designs (MRP-113)*, which was submitted to the NRC earlier this year.



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,

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

Warren J. Bilanin
Director, Nuclear Power Sector

Enclosures

c: Nichole Edraos, EPRI

AFFIDAVIT

RE: Documentation of Materials Reliability Program Generic Evaluation of Examination Coverage Requirements for Reactor Pressure Vessel Head Penetration Nozzles, Revision 1 and Probabilistic Risk Assessment of Alloy 82/182 Piping Butt Welds

- “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.

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:

October 20, 2004

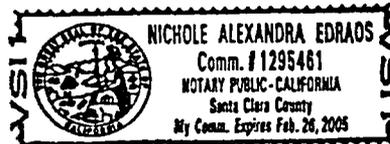
Warren J. Bilanin

Warren J. Bilanin

*City of Palo Alto
County of Santa Clara*

Subscribed and sworn before me this day:

October 20, 2004



Nichole Alexandra Edraos
Nichole Alexandra Edraos, Notary Public