



May 25, 2004

NRC 2004-0059
10 CFR 50.55a(a)(3)(i)
10 CFR 50.55a(g)(5)(iii)

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555

Point Beach Nuclear Plant, Unit 1
Docket 50-266
License No. DPR-24
Supplement 4 to Reactor Vessel Closure Head Penetration Repair and Flaw
Characterization Relief Requests MR 02-018-1, Revision 1 and MR 02-018-2,
Revision 1

- References:
- (1) Letter from NMC to NRC dated May 13, 2004 (NRC 2004-0051)
 - (2) NRC Safety Evaluation dated September 10, 2003
 - (3) NRC Safety Evaluation dated September 24, 2003
 - (4) Letter from NMC to NRC dated May 15, 2004 (NRC 2004-0053)
 - (5) Letter from NMC to NRC dated May 20, 2004 (NRC 2004-0056)

In reference 1, Nuclear Management Company, LLC (NMC), licensee for Point Beach Nuclear Plant (PBNP), requested revision to the relief, granted in references 2 and 3, pertaining to reactor vessel closure head (RVCH) penetration repair and flaw characterization. References 4 and 5 provided supplemental information in support of the requested relief.

In reference 5, NMC committed to submit copies of the minutes from the Electric Power Research Institute – Materials Reliability Program (EPRI-MRP) crack growth expert panel meeting regarding primary water stress corrosion cracking (PWSCC) held on October 3, 2003. This letter fulfills that commitment.

Enclosed with this letter are proprietary and nonproprietary versions of the October 3, 2003 meeting minutes, which were requested by NRC staff.

Also included in the enclosures to this letter is an EPRI proprietary authorization affidavit.

As enclosure 1 contains information proprietary to EPRI, it is supported by an affidavit signed by EPRI, the owner of the information. The affidavit sets forth the basis on which the information may be withheld from public disclosure by the Commission and addresses with specificity the considerations listed in paragraph (b)(4) of 10 CFR 2.790 of the Commission's regulations.

Information in this record was deleted
in accordance with the Freedom of Information
Act, exemptions 4
FOIA/PA 2004-0282

6590 Nuclear Road • Two Rivers, Wisconsin 54241
Telephone: 920.755.2321

C-9 A047

Accordingly, it is respectfully requested that the information, which is proprietary to EPRI, be withheld from public disclosure in accordance with 10 CFR 2.790. Correspondence regarding the proprietary aspects of the items listed above, or the supporting EPRI Affidavit, should reference the affidavit and be addressed to Warren J. Bilanin, Director Nuclear Power Sector, Electric Power Research Institute, Nuclear Power Sector, 3412 Hillview Avenue, Palo Alto, California, 94304.

This submittal contains no new regulatory commitments and fulfills one commitment.



Gary D. Van Middlesworth
Site Vice-President, Point Beach Nuclear Plant
Nuclear Management Company, LLC

- Enclosures: i - Minutes of EPRI-MRP PWSCC Crack Growth Expert Panel Meeting, October 3, 2003 – Gaithersburg, Maryland (proprietary)
II - Minutes of EPRI-MRF PWSCC Crack Growth Expert Panel Meeting, October 3, 2003 – Gaithersburg, Maryland (non-proprietary)
III - EPRI Letter dated May 24, 2004, Transmittal of Proprietary Authorization Affidavit

cc: Project Manager, Point Beach Nuclear Plant, USNRC
Regional Administrator, Region III, USNRC
NRC Resident Inspector, Point Beach Nuclear Plant
PSCW

ENCLOSURE II

**SUPPLEMENT 4 TO REACTOR VESSEL CLOSURE HEAD PENETRATION REPAIR AND
FLAW CHARACTERIZATION**

RELIEF REQUESTS MR 02-018-1, REVISION 1 AND MR 02-018-2, REVISION 1

**MINUTES OF EPRI-MRP PWSCC CRACK GROWTH EXPERT PANEL MEETING,
OCTOBER 3, 2003 – GAITHERSBURG, MARYLAND (NON-PROPRIETARY)**

POINT BEACH NUCLEAR PLANT, UNIT 1

2 Pages Follow

Non-Proprietary

POWERING PROGRESS THROUGH
SCIENCE AND TECHNOLOGY

EPRI

PWR MRP PWR Materials Reliability Program _____ PWR MRP 2003-38

October 20, 2003

TO: EPRI-MRP PWSCC Crack Growth Expert Panel
Alloy 600 ITG and WG Chairmen/Vice-chairmen
All EPRI staff directly involved with Alloy 600 ITG
Contractors currently working on this subject for the MRP

FROM: John Hickling

SUBJECT: Minutes of EPRI-MRP PWSCC Crack Growth Expert Panel Meeting,
October 3, 2003 – Gaithersburg, Maryland

The final minutes of the subject meeting (incorporating comments from Panel members) are enclosed. They are being distributed more widely than usual so as to have an interim record of the agreement reached on CGR disposition curves for the Alloy 600 weld metals 182/132/82 prior to production and approval of a formal MRP report that will be analogous to MRP-55 for CGR through PWSCC in thick-section base material.

Please note that the information contained herein is preliminary in nature and should NOT be used as the basis for official submissions of any kind. Until the final report is available, all communications as to the results of the Panel's work must be channeled via EPRI, and no diagrams, equations, etc. shall be provided to outside bodies without prior, specific MRP approval.

If you have any comments or questions please contact me at 650-855-8976, or by email at jhicklin@epri.com.

John Hickling

Technical Leader - Materials Issues
Nuclear Power - Science & Technology Dept.

Non-Proprietary
**MRP 2003-38: Minutes of EPRI-MRP PWSCC Crack Growth
Expert Panel Meeting, October 3, 2003 – Gaithersburg, Maryland**

Date: October 3, 2003

Place: Marriott Washingtonian Center, Gaithersburg, MD

Subject: EPRI-MRP PWSCC Crack Growth Expert Panel Meeting

Attendees: See Attachment 1

Summary: The following summarizes the results of the meeting – see the subsequent text for a summary of the discussions leading to these. *Italics are used throughout to denote action items or decisions reached.*

1. Content Deleted – MRP/EPRI Proprietary Material Ex. 4
2. Content Deleted – MRP/EPRI Proprietary Material Ex. 4
3. Content Deleted – MRP/EPRI Proprietary Material Ex. 4

4. Content Deleted – MRP/EPRI Proprietary Material Ex. 4

**Content Deleted – MRP/EPRI
Proprietary Material**

5. Content Deleted – MRP/EPRI Proprietary Material Ex. 4
6. The panel agreed on the structure for the final report and assigned lead responsibilities for preparing various sections – a draft will be provided for ITG review in December 2003.

ENCLOSURE III

**SUPPLEMENT 4 TO REACTOR VESSEL CLOSURE HEAD PENETRATION REPAIR AND
FLAW CHARACTERIZATION
RELIEF REQUESTS MR 02-018-1, REVISION 1 AND MR 02-018-2, REVISION 1**

**EPRI LETTER DATED MAY 24, 2004,
TRANSMITTAL OF PROPRIETARY AUTHORIZATION AFFIDAVIT**

POINT BEACH NUCLEAR PLANT, UNIT 1

3 Pages Follow

May 24, 2004

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

Subject: Documentation: "Summary of Minutes of EPRI-MRP PWSCC Crack Growth Expert Panel Meeting, October 3, 2003 – Gaithersburg, Maryland" Attached to MRP Letter 2003-38 dated October 20, 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 "Documentation"). Copies of the Documentation and the affidavit in support of this request are enclosed. The Documentation consists only of the summary of the October 3, 2003 meeting minutes. Supporting details provided in the minutes are not included in this submittal because of their preliminary nature, the informal context in which they were developed, and their release would violate MRP administrative procedures concerning industry review and approval. The information contained in the summary is also considered preliminary, but is not expected to change when published in an anticipated EPRI technical report.

EPRI desires to disclose the "Documentation" in confidence to the NRC as a means of exchanging information in support of repairs of Point Beach Nuclear Plant Unit 1 CRDM Nozzle 26. 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: "Summary of Minutes of EPRI-MRP PWSCC Crack Growth Expert Panel Meeting, October 3, 2003 – Gaithersburg, Maryland" Attached to MRP Letter 2003-38 dated October 20, 2003

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 2.790 (a)(4) 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:

date

5-24-04

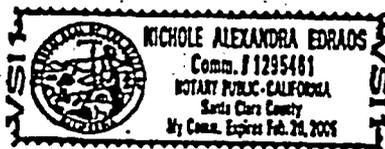
Warren J. Bilanin

Warren J. Bilanin

Subscribed and sworn before me this day: date 5/24/04

Nichole Alexandra Edraos
Nichole Alexandra Edraos, Notary Public

Edraos
Santa Clara County
Palo Alto



June 24, 2004

Mr. Warren J. Bilanin, Director
Nuclear Power Sector
Electric Power Research Institute
3412 Hillview Avenue
Palo Alto, CA 94304-1395

**SUBJECT: ELECTRIC POWER RESEARCH INSTITUTE (EPRI), REQUEST FOR
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
(TAC NO. MC3221)**

Dear Mr. Bilanin:

By letter to the U.S. Nuclear Regulatory Commission (NRC) dated May 25, 2004, the Nuclear Management Company, LLC, submitted an affidavit dated May 24, 2004, executed by you, requesting that the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.790¹:

“Summary of Minutes of EPRI-MRP PWSCC Crack Growth Expert Panel Meeting, October 3, 2003 - Gaithersburg, Maryland,” attached to MRP Letter 2003-38 dated October 20, 2003

A nonproprietary copy of this document has been placed in the NRC's Public Document Room and added 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. 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

¹On February 13, 2004, certain revisions of the NRC's regulations went into effect that renumbered 10 CFR 2.790 as 10 CFR 2.390.

June 24, 2004

W. Bilanin

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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.

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 document sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the version of the submitted information 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

June 24, 2004

W. Bilanin

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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 301-415-4018.

Sincerely,

CF Lyon for
/RA/

Harold K. Chernoff, Project Manager, Section 1
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-266 and 50-301

cc: See next page

June 24, 2004

W. Bilanin

- 3 -

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Sincerely,

CF Lyon for
/RA/

Harold K. Chernoff, Project Manager, Section 1
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-266 and 50-301

cc: See next page

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NRR-084

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NAME	CF Lyon for HChernoff	THarris	LRaghavan
DATE	06/24/04	06/24/04	06/24/04

OFFICIAL RECORD COPY

Point Beach Nuclear Plant, Units 1 and 2

cc:

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