



NUCLEAR ENERGY INSTITUTE

Alexander Marion
SENIOR DIRECTOR, ENGINEERING
NUCLEAR GENERATION DIVISION

April 19, 2005

Mr. William H. Bateman
Chief, Materials and Chemical Engineering Branch
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

SUBJECT: Documentation to Support the Materials Reliability Program

PROJECT NUMBER: 689

NEI is pleased to provide the following reports to the NRC for its information.

1. *"Materials Reliability Program: Generic Guidance for Alloy 600 Management (MRP-126)"*, EPRI Report 1009561, November 2004.
2. *"Materials Reliability Program: Crack Growth Rates for Evaluating Primary Water Stress Corrosion Cracking (PWSCC) of Alloy 82, 182, and 132 Welds (MRP-115)"*, EPRI Report 1006696, November 2004.

The first report (MRP-126) provides guidance for plants to use in developing their individual Alloy 600 management plans. It defines the key elements of an Alloy 600 management plan and directs readers to useful resources for developing and implementing a plant-specific plan. The document establishes a mandatory element under the industry's Materials Initiative that *"Each plant shall develop and document an Alloy 600 management plan, defining the processes it intends to use to maintain the integrity and operability of each Alloy 600/82/182 component for the remaining life of the plant."* All U.S. PWRs must implement this requirement within eighteen months of the document's issuance. When implemented, this requirement will be evaluated as part of INPO's plant material program reviews.

The second report (MRP-115) provides the PWR industry with additional tools to assess the progress of cracking that may be detected in thick-walled Alloy 600 components including deterministic evaluations of real or hypothetical flaws and data that can be used as input to probabilistic assessments.

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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. Proprietary and non-proprietary versions of these reports are provided in the enclosed computer disks.

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,



Alexander Marion

Enclosures

- c: Mr. Michael E. Mayfield, U. S. Nuclear Regulatory Commission
Mr. Terence L. Chan, U. S. Nuclear Regulatory Commission
Mr. Joseph L. Birmingham, U. S. Nuclear Regulatory Commission
Document Control Desk
- Bc: Mr. Dana Covill, Progress Energy
Mr. Craig Harrington, TXU
Ms. Christine King, EPRI

Proprietary Affidavit

April 5, 2005

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

Subject: Materials Reliability Program Reports, MRP-115 and MRP-126

Gentlemen:

This is a request under 10 CFR 2.390 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: Crack Growth Rates for Evaluating Primary Water Stress Corrosion Cracking (PWSCC) of Alloy 82, 182, and 132 Welds (MRP-115)*, EPRI, Palo Alto, CA: 2004. 1006696.
- *Materials Reliability Program: Generic Guidance for Alloy 600 Management (MRP-126)*, EPRI, Palo Alto, CA: 2004. 1009561.

EPRI desires to disclose the "Documentation" in confidence to the NRC as a means of exchanging information in support of generic regulatory improvements relative to Alloy 600/82/182 inspection requirements.

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: Materials Reliability Program Reports, MRP-115 and MRP-126:

- *Materials Reliability Program: Crack Growth Rates for Evaluating Primary Water Stress Corrosion Cracking (PWSCC) of Alloy 82, 182, and 132 Welds (MRP-115)*, EPRI, Palo Alto, CA: 2004. 1006696.
- *Materials Reliability Program: Generic Guidance for Alloy 600 Management (MRP-126)*, EPRI, Palo Alto, CA: 2004. 1009561.

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:

April 5, 2005

Warren J. Bilanin
Warren J. Bilanin

State of California }
County of Santa Clara } SS.

On April 5, 2005 before me, Minnie Taufahema, personally appeared Warren Bilanin

X personally known to me -OR- proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Minnie L. Taufahema

Notary's name here