NUCLEAR ENERGY INSTITUTE

Alexander Marion
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NUCLEAR GENERATION DIVISION

January 6, 2006

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

SUBJECT: Transmittal of EPRI MOV Performance Prediction Methodology Software

Project Number: 689

The EPRI motor operated valve (MOV) Performance Prediction Methodology (PPM) was developed to enhance industry's ability to size MOVs and predict their performance. The last version of the PPM sent to the NRC, Version 3.2, was submitted in June of 2003. Since that time, Version 3.3 has been completed. The enclosed software and reports document the changes made to the EPRI PPM computer code between Version 3.2 and the current Version 3.3, and also provide improved methods for evaluating gate valve unwedging thrust requirements.

The following software and reports are enclosed:

- Addendum 3 to EPRI TR-103237-R2, An Improved and Validated Method for Predicting Gate Valve Unwedging Thrust Requirements – 3 copies
- Addendum 4 to EPRI TR-103237-R2, Use of Static Closure Data for Determining Stem Stem-Nut Coefficients of Friction at Unwedging – 3 copies
- Addendum 7 to EPRI TR-103237-R2, PPM Version 3.3 Software Changes – 3 copies
- Disks containing EPRI PPM Version 3.3 computer code and User Manual/Implementation Guide – 3 copies
- Disk containing a complete list of error and information notices that have been issued on various versions of the PPM computer code through December 2005 – 1 copy
- Disk containing non-proprietary versions of EPRI PPM Version 3.3 User Manual/Implementation Guide and Addenda 3, 4 and 7 to EPRI TR-103237-R2 – 1 copy
- Proprietary Affidavit

The software and reports are being transmitted to facilitate preparation of a fourth supplement to the NRC safety evaluation on EPRI MOV Performance Prediction Program Topical Report (*USNRC Safety Evaluation on EPRI MOV Performance Prediction Program Topical Report TR-103237 Revision 1, March 1996*). Earlier

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supplements to the Safety Evaluation approved use of the PPM Code Version 2.0 and use of the thrust uncertainty method. Since that time, PPM Versions 3.1, 3.2, and 3.3 have been released to licensees. Therefore it is requested that the next SE Supplement address Versions 3.1, 3.2 and 3.3 of the PPM Code, as well as Addendums 3 and 4 to EPRI TR-103237-R2 describing improved methods for predicting gate valve unwedging requirements.

The enclosed software and reports contain proprietary information. A letter requesting that the software and reports be withheld from public disclosure and an affidavit describing the basis for withholding this information are provided as Enclosure 2. 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 2.790 of the Commission's regulations.

Consistent with previous submittals supporting NRC review of EPRI's MOV Performance Prediction Program information, we believe any NRC staff review of the enclosed software and reports is exempt from the fee recovery provision contained in 10 CFR Part 170. This submittal provides information that may be helpful to NRC staff when evaluating licensee submittals provided in response to Generic Letter 89-10. Such reviews are exempted under §170.11, Exemptions, Subpart (a) (1) (iii). This provision states, (a) "No application fees, license fees, renewal fees, inspection fees, or special project fees shall be required for...(1) A special project that is a request/report submitted to the NRC--(iii) As a means of exchanging information between industry organizations and the NRC for the specific purpose of supporting the NRC's generic regulatory improvements or efforts".

If you have any questions regarding these enclosures, please contact Mr. John Hosler of EPRI at (704) 595-2226; jhosler@epri.com or Jim Riley, NEI contact for MOV issues, at (202) 739-8137; jhr@nei.org.

Sincerely,

Alexander Marion

Enclosures

c: Mr. Peter C. Wen, U.S. Nuclear Regulatory Commission
Mr. Thomas G. Scarbrough, U.S. Nuclear Regulatory Commission
Mr. John Hosler, EPRI (w/o enclosure)

ENCLOSURE 2

EPRI | ELECTRIC POWER RESEARCH INSTITUTE

DAVID J. MODEEN
Vice President and
Chief Nuclear Officer
Nuclear

December 21, 2005

Document Control Desk
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: **Request for Withholding of the following Proprietary Documents**: Software No. 1009511, "PPM Version 3.3", Report No. 1012674 "Addendum 7 to TR-103237-R2: PPM Version 3.3 Software Changes", Report No. TR-113564,"Addendum 3 to TR-103237-R2: An Improved and Validated Gate Valve Unwedging Methodology" and Report No. TR-113989, "Addendum 4 to EPRI TR-103237-R2: Use of Static Closure Data for Determination of Stem Stem-Nut Coefficients of Friction at Unwedging"

To Whom It May Concern:

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 "Software and Reports"). Copies of the Software and Reports and the affidavit in support of this request are enclosed.

EPRI desires to disclose, in confidence, the Software and Reports for informational purposes to assist the NRC. The Software and Reports are not to be divulged to anyone outside of the NRC or to any of its contractors, nor shall any copies be made of the Software and Reports provided herein. EPRI welcomes any discussions and/or questions relating to the Information enclosed by the NRC.

If you have any questions about the legal aspects of this request for withholding, please do not hesitate to contacting me at (704) 595-2173. Questions on the content of the Software and Reports should be directed to John Hosler of EPRI at (704) 595-2226.

Sincerely,

David J. Modeen

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ELECTRIC POWER
RESEARCH INSTITUTE

AFFIDAVIT

RE: **Request for Withholding of the following Proprietary Documents**: Software No. 1009511, "PPM Version 3.3", Report No. 1012674 "Addendum 7 to TR-103237-R2: PPM Version 3.3 Software Changes", Report No. TR-113564,"Addendum 3 to TR-103237-R2: An Improved and Validated Gate Valve Unwedging Methodology" and Report No. TR-113989, "Addendum 4 to EPRI TR-103237-R2: Use of Static Closure Data for Determination of Stem Stem-Nut Coefficients of Friction at Unwedging"

I, DAVID J. MODEEN, being duly sworn, depose and state as follows:

I am a Vice President at the Electric Power Research Institute ("EPRI") and I have been specifically delegated responsibility for the software and reports listed above that is sought under this affidavit to be withheld (the "Software and Reports") 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 Software and Reports consist of trade secrets of EPRI and that the NRC will receive the Software and Reports from EPRI under privilege and in confidence.

The basis for which the Software and Reports should be withheld from the public is set forth below:

(i) The Software and Reports have been held in confidence by EPRI, its owner. All those accepting copies of the Software and Reports must agree to preserve the confidentiality of the Software and Reports.

(ii) The Software and Reports are of a type customarily held in confidence by EPRI and there is a rational basis therefore. The Software and Reports are of a type that EPRI considers to be trade secrets and is held in confidence by EPRI because to disclose it would prevent EPRI from licensing the Software and Reports at fees, which would allow EPRI to recover its investment. If consultants and other businesses providing services in the electric/nuclear power industry were able to publicly obtain the Software and Reports, they would be able to use them commercially for profit and avoid spending the large amount of money that EPRI was required to spend in preparation of the Software and Reports. The rational basis that EPRI has for classifying Software and Reports as trade secrets is 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 Software and Reports will be transmitted to the NRC in confidence.

(iv) The Software and Reports are not available in public sources. EPRI developed the Software and Reports only after making a determination that the Software and Reports were not available from public sources. It required a large expenditure of dollars for EPRI to develop the Software and Reports. 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 Software and Reports, show that the Software and Reports are highly valuable to EPRI. Finally, the Software and Reports were developed only after a long period of effort of at least several months.

(v) A public disclosure of the Software and Reports would be highly likely to cause substantial harm to EPRI's competitive position and the ability of EPRI to license the Software and Reports both domestically and internationally. The Software and Reports can be properly acquired or duplicated by others only with 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 North Carolina.

Executed at 1300 W T Harris Blvd, Charlotte, North Carolina being the premises and place of business of the Electric Power Research Institute:

December 21, 2005

David J. Modeen

Subscribed and sworn before me this day: 21st Date December 21st, 2006

Sherryl R. Stogner Notary Public my Commission Expires: August 23, 2009