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2007-147 BWR Vessel & Internals Project (BWRVIP)

May 30, 2007

Document Control Desk
U. S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852

Attention: John Honcharik

Subject: Project No. 704 – BWRVIP-169: BWR Vessel and Internals Project, Testing and Evaluation of BWR Supplemental Surveillance Program (SSP) Capsules A, B, and C

Enclosed are five (5) copies of the report "BWRVIP-169: BWR Vessel and Internals Project, Testing and Evaluation of BWR Supplemental Surveillance Program (SSP) Capsules A, B, and C," EPRI Technical Report 1013399, March 2007. This report is being transmitted to the NRC as a means of exchanging information with the NRC for the purpose of supporting generic regulatory improvements related to surveillance programs for monitoring changes in BWR reactor pressure vessel material properties due to neutron irradiation.

The report provides results of the testing and evaluation of BWR Supplemental Surveillance Program (SSP) capsules A, B and C. The results in BWRVIP-169 will be utilized in the BWRVIP Integration Surveillance Program (ISP).

Please note that the enclosed report contains proprietary information. A letter requesting that the report be withheld from public disclosure and an affidavit describing the basis for withholding this information are provided as Attachment 1.

Two (2) copies of the non-proprietary report "BWRVIP-169NP: BWR Vessel and Internals Project, Testing and Evaluation of BWR Supplemental Surveillance Program (SSP) Capsules A, B, and C," EPRI Technical Report 1013399, March 2007, are also enclosed. This non-proprietary report is identical to the enclosed proprietary report except that the proprietary information has been deleted and the letters "NP" appear in the BWRVIP report number.

If you have any questions on this subject please call Bob Geier (Exelon, BWRVIP Assessment Committee Technical Chairman) at 630.657.3830.

Sincerely,

Rick Libra

Rick Libra
DTE Energy
Chairman, BWR Vessel and Internals Project

D058
5 copies - prop
2 copies - Non Prop
Add 1 Copies sent to PM

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Attachment 1

DAVID J. MODEEN
Vice President and
Chief Nuclear Officer
Nuclear

May 25, 2007

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 Document:

"BWRVIP-169: BWR Vessel and Internals Project, Testing and Evaluation of BWR Supplemental Surveillance Program (SSP) Capsules A, B, and C," EPRI Technical Report 1013399, March 2007.

To Whom It May Concern:

This is a request under 10 C.F.R. §2.390(a)(4) that the U.S. Nuclear Regulatory Commission ("NRC") withhold from public disclosure the information identified in the enclosed Affidavit consisting of the proprietary information owned by Electric Power Research Institute, Inc. ("EPRI") and identified above (the "Report"). Copies of the Report and the Affidavit in support of this request are enclosed.

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

If you have any questions about the legal aspects of this request for withholding, please do not hesitate to contact me at (704) 595-2173. Questions on the content of the Report should be directed to Randy Stark of EPRI at (650) 855-2122.

Sincerely,

ELECTRIC POWER RESEARCH INSTITUTE, INC.

David J. Modeen
Vice President & Chief Nuclear Officer

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AFFIDAVIT

RE: Request for Withholding of the Following Proprietary Document:

"BWRVIP-169: BWR Vessel and Internals Project, Testing and Evaluation of BWR Supplemental Surveillance Program (SSP) Capsules A, B, and C," EPRI Technical Report 1013399, March 2007.

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

I am a Vice President and the Chief Nuclear Officer of Electric Power Research Institute, Inc. whose principal office is located at 3420 Hillview Avenue, Palo Alto, California ("EPRI") and I have been specifically delegated responsibility for the above-listed Report that is sought under this Affidavit to be withheld (the "Report"). I am authorized to apply to the U.S. Nuclear Regulatory Commission ("NRC") for the withholding of the Report on behalf of EPRI.

EPRI requests that the Report be withheld from the public on the following bases:

Withholding Based Upon Privileged And Confidential Trade Secrets Or Commercial Or Financial Information:

a. The Report is owned by EPRI and has been held in confidence by EPRI. All entities accepting copies of the Report do so subject to written agreements imposing an obligation upon the recipient to maintain the confidentiality of the Report. The Report is disclosed only to parties who agree, in writing, to preserve the confidentiality thereof.

b. EPRI considers the Report and the proprietary information contained therein (the "Proprietary Information") to constitute trade secrets of EPRI. As such, EPRI holds the Report in confidence and disclosure thereof is strictly limited to individuals and entities who have agreed, in writing, to maintain the confidentiality of the Report. EPRI made a substantial economic investment to develop the Report, and, by prohibiting public disclosure, EPRI derives an economic benefit in the form of licensing royalties and other additional fees from the confidential nature of the Report. If the Report and the Proprietary Information were publicly available to consultants and/or other businesses providing services in the electric and/or nuclear power industry, they would be able to use the Report for their own commercial benefit and profit and without expending the substantial economic resources required of EPRI to develop the Report.

c. EPRI's classification of the Report and the Proprietary Information as trade secrets is justified by the Uniform Trade Secrets Act which California adopted in 1984 and a version of which has been adopted by over forty states. The California Uniform Trade Secrets Act, California Civil Code §§3426 – 3426.11, 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."

d. The Report and the Proprietary Information contained therein are not generally known or available to the public. EPRI made a substantial investment of both money and employee hours in the development of the Report. EPRI was required to devote these resources and effort over a period of several years to derive the Proprietary Information and the Report. As a result of such effort and cost, both in terms of dollars spent and dedicated employee time, the Report is highly valuable to EPRI.

e. A public disclosure of the Proprietary Information would be highly likely to cause substantial harm to EPRI's competitive position and the ability of EPRI to license the Proprietary Information both domestically and internationally. The Proprietary Information and Report 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 herein 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 1300 W T Harris Blvd, Charlotte, North Carolina being the premises and place of business of Electric Power Research Institute, Inc.

Date May 25, 2007

David J. Modeen

Subscribed and sworn before me this 25th day of May 2007

Sheryl R. Stogner, Notary Public

My Commission expires August 23, 2009