



ELECTRIC POWER
RESEARCH INSTITUTE

MRP

Materials Reliability Program

MRP 2007-026

June 8, 2007

Proj - #669

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

Subject: Transmittal of Documentation of EPRI Materials Reliability Program

To Whom It May Concern:

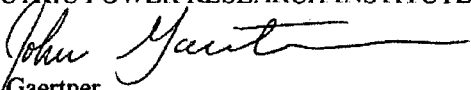
Please find enclosed the following materials submitted by the Electric Power Research Institute, Inc. ("EPRI"):

1. *Materials Reliability Program: Management of Thermal Fatigue in Normally Stagnant Non-Isolable Reactor Coolant System Branch Lines (MRP-146), EPRI Report No. 1011955, 2005;*
2. *MRP Letter No. 2006-023 dated August 11, 2006 regarding MRP-146 Interim Guidance (Needed Element);*
3. *MRP Letter No. 2007-013 dated April 2, 2007 regarding MRP-132/146/170 Guidance Related to Heat Transfer Coefficients for Use in Stress; and*
4. *EPRI Letter and Affidavit dated June 7, 2007 identifying the proprietary nature of the subject documentation and requesting that it be withheld from public disclosure.*

The EPRI Materials Reliability Program is pleased to provide the enclosed documentation to the NRC for its use in support of regulatory efforts. EPRI wishes to keep the documentation identified above proprietary and not have it released in the public domain. The non-proprietary versions of the relevant documents will be sent within 90 days.

Sincerely,

ELECTRIC POWER RESEARCH INSTITUTE, INC.


John Gaertner
Senior Sector Business Operations Manager

Enclosures

cc: Tanya M. Mensah, Mail Stop O-7-E1A

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NRR

June 8, 2007
#669

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

Subject: Request for Withholding Proprietary Documentation of Materials Reliability Program:

Materials Reliability Program: Management of Thermal Fatigue in Normally Stagnant Non-Isolable Reactor Coolant System Branch Lines (MRP-146), EPRI Report No. 1011955, 2005;

MRP Letter No. 2006-023 dated August 11, 2006 regarding MRP-146 Interim Guidance (Needed Element); and

MRP Letter No. 2007-013 dated April 2, 2007 regarding MRP-132/146/170 Guidance Related to Heat Transfer Coefficients for Use in Stress.

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 (the "NRC") withhold from public disclosure the information identified below in the enclosed Affidavit of John Gaertner consisting of the proprietary information owned by Electric Power Research Institute, Inc. ("EPRI") and identified above (the "Documents"). Copies of the Documents and the Affidavit in support of this request are enclosed.

EPRI desires to disclose, in confidence, the Documents for informational purposes to assist the NRC. The Documents 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 Documents 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) 595-2169. Questions on the content of the Report should be directed to Christine King of EPRI at (650) 855-2605.

Sincerely,

ELECTRIC POWER RESEARCH INSTITUTE, INC.

A handwritten signature in black ink, appearing to read "John Gaertner", with a long horizontal flourish extending to the right.

John Gaertner
Senior Sector Business Operations Manager

Enclosure

AFFIDAVIT

RE: Request for Withholding Proprietary Documentation of the Materials Reliability Program:

- Materials Reliability Program: Management of Thermal Fatigue in Normally Stagnant Non-Isolable Reactor Coolant System Branch Lines (MRP-146), EPRI Report No. 1011955, 2005;
- MRP Letter No. 2006-023 dated August 11, 2006 regarding MRP-146 Interim Guidance (Needed Element); and
- MRP Letter No. 2007-013 dated April 2, 2007 regarding MRP-132/146/170 Guidance Related to Heat Transfer Coefficients for Use in Stress

I, JOHN GAERTNER, being duly sworn, depose and state as follows:

I am a Senior Sector Business Operations Manager of Electric Power Research Institute, Inc. ("EPRI") whose principal office is located at 3420 Hillview Avenue, Palo Alto, California 94304 and I have been specifically delegated responsibility for the above-listed Documents that are sought under this Affidavit to be withheld (the "Documents"). I am authorized to apply to the U.S. Nuclear Regulatory Commission ("NRC") for the withholding of the Documents on behalf of EPRI.

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

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

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

b. EPRI considers the Documents and the proprietary information contained therein (the "Proprietary Information") to constitute trade secrets of EPRI. As such, EPRI holds the Documents in confidence and disclosure thereof is strictly limited to individuals and entities who have agreed, in writing, to maintain the confidentiality of the Documents. EPRI made a substantial economic investment to develop the Documents, 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 Documents. If the Documents 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 Documents for their own commercial benefit

and profit and without expending the substantial economic resources required of EPRI to develop the Documents.

c. EPRI's classification of the Documents 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 Documents 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 Documents. EPRI was required to devote these resources and effort over a period of several years to derive the Proprietary Information and the Documents. As a result of such effort and cost, both in terms of dollars spent and dedicated employee time, the Documents are 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 the Documents 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.

[Signature page follows.]

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

Date June 8, 2007

John Gaertner
John Gaertner

Subscribed and sworn before me this 8th day of June 2007

Sherryl R. Stogner Notary Public

My Commission expires August 23, 2009

