

**DAVID J. MODEEN**  
Vice President and  
Chief Nuclear Officer  
Nuclear

July 13, 2007  
#669

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

**Subject: Request for Withholding Commercial Documentation of Materials Reliability Program:**

*Materials Reliability Program: Analysis of Stress Corrosion Cracks in Alloy 182 Weld Metal After Exposure to PWR Primary Water (MRP-107), EPRI Report No. 1009399, 2004.*

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 in the enclosed Affidavit of David J. Modeen consisting of confidential 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 Christine King of EPRI at (650) 855-2605.

Sincerely,

ELECTRIC POWER RESEARCH INSTITUTE, INC.



David J. Modeen  
Vice President and Chief Nuclear Officer

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

Enclosure

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**PALO ALTO OFFICE**

3420 Hillview Avenue, Palo Alto, CA 94304-1338 USA • 650.855.2000 • Customer Service 800.313.3774 • www.epri.com

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URR

## **AFFIDAVIT**

**RE: Request for Withholding of the Following Commercial Document:**

- Materials Reliability Program: Analysis of Stress Corrosion Cracks in Alloy 182 Weld Metal After Exposure to PWR Primary Water (MRP-107), EPRI Report No. 1009399, 2004.

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. ("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 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 constitutes commercial information which has not been placed in the public domain by EPRI.
- b. EPRI made a substantial economic investment to develop the Report, and, by prohibiting public disclosure, EPRI derives an economic benefit in the form of fees charged for the sale of the Report. The Report is entitled to the protection of the United States copyright laws. If the Report was publicly available to consultants and/or other businesses providing services in the electric and/or nuclear power industry, these entities 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 made a substantial investment of both money and employee hours over an extended period of time in the development of 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.
- d. A public disclosure of the Report would be highly likely to cause substantial harm to EPRI's competitive position and the ability of EPRI to sell the Report both domestically and internationally. If a party does not purchase the Report from EPRI, it would require an investment of money, time and effort equivalent to that expended by EPRI for the party to duplicate the Report.



ELECTRIC POWER  
RESEARCH INSTITUTE

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 3420 Hillview Avenue, Palo Alto, California being the premises and place of business of Electric Power Research Institute, Inc.

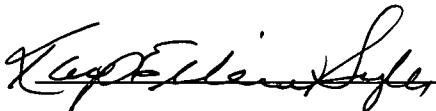
Date July 16, 2007



David J. Modeen

( SEE ATTACHED  
JURAT )

Subscribed and sworn before me this 16<sup>th</sup> day of July 2007

 Notary Public

My Commission expires 12/30/10

**CALIFORNIA JURAT WITH AFFIANT STATEMENT**

State of California

County of

Santa Clara } ss.

☒ See Attached Document (Notary to cross out lines 1-6 below)

☐ See Statement Below (Lines 1-5 to be completed only by document signer[s], *not* Notary)

1 \_\_\_\_\_

2 \_\_\_\_\_

3 \_\_\_\_\_

4 \_\_\_\_\_

5 \_\_\_\_\_

6 [Signature]  
Signature of Document Signer No. 1

\_\_\_\_\_  
Signature of Document Signer No. 2 (if any)

Subscribed and sworn to (or affirmed) before me on this

16th day of July, 2007, by  
Date Month Year

(1) Kathleen Syler  
Name of Signer

☒ Personally known to me

☐ Proved to me on the basis of satisfactory evidence  
to be the person who appeared before me (.) (.)  
(and

(2) \_\_\_\_\_  
Name of Signer

☐ Personally known to me

☐ Proved to me on the basis of satisfactory evidence  
to be the person who appeared before me.)

\_\_\_\_\_  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

*Though the information below is not required by law, it may prove  
valuable to persons relying on the document and could prevent  
fraudulent removal and reattachment of this form to another document.*

**Further Description of Any Attached Document**

Title or Type of Document: Reg. Folio with copy

Document Date: 7/16/07 Number of Pages: 2

Signer(s) Other Than Named Above: \_\_\_\_\_

RIGHT THUMBPRINT  
OF SIGNER #1  
Top of thumb here

RIGHT THUMBPRINT  
OF SIGNER #2  
Top of thumb here