



NUCLEAR ENERGY INSTITUTE

James H. Riley  
DIRECTOR  
ENGINEERING  
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February 11, 2008

Document Control Desk  
Nuclear Regulatory Commission  
Washington, DC 20555

**Subject:** Electric Power Research Institute (EPRI) Technical Report, "Pressure Water Reactor Steam Generator Examination Guidelines", Revision 7.

**Project Number: 689**

The purpose of this letter is to transmit the subject report for your information.

Enclosure 1, "*Pressurized Water Reactor Steam Generator Examination Guidelines: Revision 7*". EPRI, Palo Alto, CA: 2007. 1013706. (Proprietary Version, one copy).

Enclosure 2, "*Pressurized Water Reactor Steam Generator Examination Guidelines: Revision 7*". EPRI, Palo Alto, CA: 2007. 1013706. (Non-Proprietary Version, one copy).

The subject report (enclosure 1) contains proprietary information that is supported by the signed affidavit in Enclosure 3. The affidavit set 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. Accordingly, we respectfully request that the information, which is proprietary to EPRI, be withheld from public disclosure in accordance with 10 CFR 2.790.

If there are any questions on these matters, please contact me at 202-739-8137; [jhr@nei.org](mailto:jhr@nei.org) or Mike Melton at 202-739-8049; [mam@nei.org](mailto:mam@nei.org).

Sincerely,

A handwritten signature in cursive script that reads "James H. Riley".

James H. Riley

Enclosures

c: Mr. Allen L. Hiser, Jr., Branch Chief, NRC  
Mr. Emmett L. Murphy, Senior Materials Engineer, NRC  
Mr. Kenneth J. Karwoski, Senior Level Advisor, NRC

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**CHRISTIAN B. LARSEN**  
Vice President and  
Chief Nuclear Officer

January 18, 2008

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:**

***Pressurized Water Reactor Steam Generator Examination  
Guidelines: Revision 7. EPRI, Palo Alto, CA: 2007.  
1013706.***


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”) identified above (the “Report”). Proprietary and non-proprietary versions of the Report and the Affidavit in support of this request are enclosed.

EPRI desires to disclose the Report in confidence as a means of exchanging technical information with the NRC in support of the industry NEI 97-06 steam generator program. 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 (650) 855-2329. Questions on the content of the Report should be directed to Steve Swilley of EPRI at (704)595-2132.

Sincerely,



## AFFIDAVIT

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

*Pressurized Water Reactor Steam Generator Examination  
Guidelines: Revision 7. EPRI, Palo Alto, CA: 2007.  
1013706.*

I, CHRISTIAN B. LARSEN, 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 developed the Report only after making a determination that the Proprietary Information was not available from public sources. 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 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.

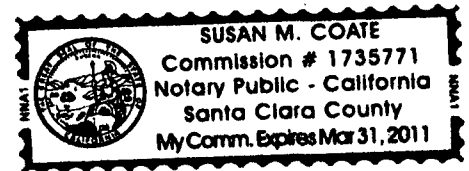
I have read the foregoing and the matters stated herein are true and correct to the best of my knowledge, information and belief. I make this affidavit under penalty of perjury under the laws of the United States of America and under the laws of the State of California.

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

January 18, 2008



Christian B. Larsen



Subscribed and sworn before me this 18<sup>th</sup> day of January 2008

Susan M. Coate, Notary Public

My Commission expires 3-31-2011