

MRP Materials Reliability Program _____ MRP 2009-004

January 12, 2009

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

Attention: Tanya Mensah

Subject: Report Transmittal; *Materials Reliability Program: Pressurized Water Reactor Internals Inspection and Evaluation Guidelines (MRP-227-Rev. 0)*, EPRI
Palo Alto, CA, 2008, 1016596
Ref: *EPRI Project Number 689*

Enclosed is the EPRI report "Materials Reliability Program: Pressurized Water Reactor Internals Inspection and Evaluation Guidelines (MRP-227-Rev. 0)," EPRI Palo Alto, CA, 2008, 1016596. This report is being transmitted as a means of exchanging information with the NRC for the purpose of supporting generic regulatory improvements related to methodologies for demonstrating pressurized water reactor (PWR) internals integrity throughout the life of the plant, including the extended period authorized by license renewal in accordance with 10CFR Part 54. EPRI is requesting that the NRC issue a safety evaluation report (SER) on MRP-227-Rev. 0.

Please note that the enclosed report contains information that is proprietary to EPRI. An EPRI letter requesting that the report be withheld from public disclosure along with an affidavit describing the basis for withholding this information are provided as Attachment 1.

Two (2) copies each of both the proprietary and non-proprietary versions of the report are enclosed. The non-proprietary report is identical to the proprietary report except that the proprietary information has been deleted.

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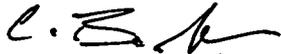
DO46
MRP
Add to ERIDS:
Tanya Mensah
Additional copies
have been sent
to PM

Tanya Mensah
January 12, 2009
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If you have any questions on this subject, please contact Anne Demma (ademma@epri.com, 650-855-2026).

Sincerely,



Christian B. Larsen
Nuclear Vice President &
Chief Nuclear Officer

Enclosures

c: Joe Hagan – First Energy
Christine King – EPRI
Mike Melton – NEI
David Steininger – EPRI
Ted Sullivan – NRC
Denny Weakland – First Energy

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CHRISTIAN B. LARSEN
Vice President and
Chief Nuclear Officer

January 12, 2009

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:

*Materials Reliability Program: Pressurized Water Reactor Internals
Inspection and Evaluation Guidelines (MRP-227-Rev. 0). EPRI,
Palo Alto, CA: 2008. 1016596*

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. 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 Anne Demma of EPRI at (650) 855-2026.

Sincerely,



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AFFIDAVIT

RE: Request for Withholding of the Following Proprietary Document:

Materials Reliability Program: Pressurized Water Reactor Internals Inspection and Evaluation Guidelines (MRP-227-Rev. 0). EPRI, Palo Alto, CA: 2008. 1016596

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 12, 2009



Christian B. Larsen

Subscribed and sworn before me this 12th day of January 2009

(Please see attached California Jurat form. Y.H.)

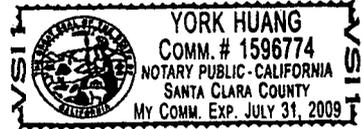
_____, Notary Public

My Commission expires _____

State of California)
County of Santa Clara)

Subscribed and sworn to (or affirmed) before me on this 12th day of January, 2009, by Christian B. Larsen, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature *YH* (Seal)



DESCRIPTION OF ATTACHED DOCUMENT

Request for Withholding of the following Proprietary Document
TITLE OR TYPE OF DOCUMENT

MRP Materials Reliability Program _____ MRP 2009-005

January 12, 2009

Chief Financial Officer
U. S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852

Subject: Request for Exemption of NRC Review Fees for *Materials Reliability Program: Pressurized Water Reactor Internals Inspection and Evaluation Guidelines (MRP-227-Rev. 0)*. EPRI, Palo Alto, CA: 2008. 1016596
Ref: *EPRI Project Number 689*

Reference: MRP Letter 2009-004, Christian B. Larsen (EPRI) to Document Control Desk, U.S. Nuclear Regulatory Commission, Dated January 12, 2009, Report Transmittal

The purpose of this letter is to request that the document entitled "Materials Reliability Program: Pressurized Water Reactor Internals Inspection and Evaluation Guidelines (MRP-227-Rev. 0)", EPRI, Palo Alto, CA: 2008, 1016596, be exempt from NRC review fees in accordance with 10CFR170.11(a)(1)(iii)(A)(1).

MRP-227-Rev. 0 was submitted to the NRC by the referenced MRP letter, which indicates that the document is provided as a means of exchanging information for the purpose of supporting generic regulatory improvements related to methodologies for demonstrating pressurized water reactor (PWR) internals integrity throughout the life of the plant, including the extended period authorized by license renewal in accordance with 10CFR Part 54. In addition, many licensees have made commitments as part of power up-rate submittals to incorporate the applicable program elements of an industry reactor vessel internals inspection program.

The guidelines in MRP-227 serve as an effective means to address the aging of reactor internals components and meet or exceed NRC guidance provided in the Generic Aging Lessons Learned (GALL) Report (NUREG-1801). It is our understanding through numerous meetings between industry and NRC project staff that this Guideline is expected to be an important document for NRC staff to support agency reviews as discussed above. NRC review and acceptance of the MRP-227 document is the most efficient use of industry and NRC resources to support the agencies generic regulatory improvements in an area which is not fully addressed by current NRC regulations.

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Since all PWR utilities are expected to use (and reference) MRP-227 in developing individual plant requests for NRC approval of reactor internals' aging management plans, NRC review of the document should substantially increase the efficiency and reduce the man-hours required for individual plant reviews.

If you have any questions on this subject please contact Anne Demma (ademma@epri.com, 650-855-2026).

Sincerely,



Christian B. Larsen
Nuclear Vice President and Chief Nuclear Officer

c: Joe Hagan – First Energy
Christine King – EPRI
Mike Melton – NEI
David Steininger – EPRI
Ted Sullivan – NRC
Denny Weakland – First Energy

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