

December 7, 2010

Mr. Christian B. Larsen
Vice President and Chief Nuclear Officer
Electric Power Research Institute
3420 Hillview Avenue
Palo Alto, CA 94304-1338

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
FOR ELECTRIC POWER RESEARCH INSTITUTE REPORTS

Dear Mr. Larsen:

By letter dated June 8, 2009 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML091730156), you submitted an affidavit executed by you on June 8, 2009, requesting that the information contained in the following documents (Enclosures 1, 2, and 3 of the June 8, 2009, letter) be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

- 1) Electric Power Research Institute (EPRI) Report No. 1016651, "Guidelines for Inspectability for New Plant Components,"
- 2) EPRI Report No. 1016652, "Proposed Code Case Criteria for Technical Basis of Weld Overlay Indication Evaluation and Disposition Based on Advanced Technology Assessments," and
- 3) EPRI Report No. 1016655, "Nondestructive Evaluation: Ultrasonic Equivalency Testing of Weld Inlaid and Weld Onlaid Components."

Non-proprietary copies were not included. The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- a. The Reports are 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 Reports and, by prohibiting public disclosure, EPRI derives an economic benefit in the form of fees charged for the sale of the Reports. The Reports are entitled to the protection of the United States copyright laws. If the Reports were publicly available to consultants and/or other businesses providing services in the electric and/or nuclear power industry at no cost, these entities would be able to use the Reports for their own commercial benefit and profit and without expending the substantial economic resources required of EPRI to develop the Reports.

- c. EPRI made a substantial investment of both money and employee hours over an extended period of time in the development of the Reports. As a result of such effort and cost, both in terms of dollars spent and dedicated employee time, the Reports are highly valuable to EPRI.
- d. A public disclosure of the Reports would be highly likely to cause substantial harm to EPRI's competitive position and the ability of EPRI to sell the Reports both domestically and internationally. If a party does not purchase the Reports from EPRI, it would require an investment of money, time and effort equivalent to that expended by EPRI for the party to duplicate the Reports.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavit, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, EPRI Report Nos. 1016651, 1016652, and 1016655 marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the Nuclear Regulatory Commission (NRC). You also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

If you have any questions regarding this matter, I may be reached at 301-415-1445.

Sincerely,

/RA/

Alan B. Wang, Project Manager
Plant Licensing Branch IV
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

- c. EPRI made a substantial investment of both money and employee hours over an extended period of time in the development of the Reports. As a result of such effort and cost, both in terms of dollars spent and dedicated employee time, the Reports are highly valuable to EPRI.
- d. A public disclosure of the Reports would be highly likely to cause substantial harm to EPRI's competitive position and the ability of EPRI to sell the Reports both domestically and internationally. If a party does not purchase the Reports from EPRI, it would require an investment of money, time and effort equivalent to that expended by EPRI for the party to duplicate the Reports.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavit, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, EPRI Report Nos. 1016651, 1016652, and 1016655 marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the Nuclear Regulatory Commission (NRC). You also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

If you have any questions regarding this matter, I may be reached at 301-415-1445.

Sincerely,
/RA/

Alan B. Wang, Project Manager
Plant Licensing Branch IV
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Project No. PROJ0669

DISTRIBUTION:

PUBLIC
LPLIV RF
RidsAcrsAcnw_MailCTR Resource
RidsNrrDciCpnb Resource
RidsNrrDorLpl4 Resource

RidsNrrLAJBurkhardt Resource
RidsOgcRp Resource
RidsRgn4MailCenter Resource
AWang, NRR/DORL/LPL4

ADAMS Accession No. ML103060226

OFFICE	NRR/LPL4/PM	NRR/LPL4/LA	DCI/CPNB/BC	NRR/LPL4/BC	NRR/LPL4/PM
NAME	AWang	JBurkhardt	TLupold	MMarkley	AWang
DATE	12/1/10	11/18/10	12/3/10	12/7/10	12/7/10

OFFICIAL RECORD COPY