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Joseph A. Kowalewski  
Vice President, Operations  
Waterford 3

Contains Proprietary Information Withhold from Public Disclosure Under 10 CFR 2.390

W3F1-2011-0007

January 24, 2011

U.S. Nuclear Regulatory Commission  
Attn: Document Control Desk  
Washington, DC 20555

SUBJECT: Transmittal of Proprietary EPRI Report MRP-109  
Waterford Steam Electric Station, Unit 3  
Docket No. 50-382  
License No. NPF-38

REFERENCES: 1 W3F1-2010-0083, Entergy Letter dated November 23, 2010,  
Supplemental Response to NRC Requests for Additional Information  
Regarding License Amendment Request for Leak-Before-Break of the  
Pressurizer Surge Line (ADAMS Accession No. 103300039).

2. W3F1-2010-0087, Entergy Letter dated December 21, 2010, Additional  
Response to NRC Requests for Additional Information Regarding  
License Amendment Request for Leak-Before-Break of the Pressurizer  
Surge Line (ADAMS Accession No. ML110120526).

Dear Sir or Madam:


In response to NRC Requests for Additional Information associated with the Waterford Steam Electric Station, Unit 3 (Waterford 3) Surge Line Leak-Before-Break license amendment application (References 1 and 2), Entergy Operations, Inc. (Entergy) referenced Electric Power Research Institute (EPRI) Materials Reliability Program (MRP) Report 109, *Alloy 82/182 Pipe Butt Weld Safety Assessment for US PWR Plant Designs* (April 2005). The NRC requested that this document be made available to the NRC in support their review of the Waterford 3 license amendment application. However, this report is classified as Proprietary and is being requested by EPRI to be withheld from public disclosure in accordance with 10 CFR 2.390.

The EPRI affidavit regarding the application for withholding proprietary information from public disclosure is contained in Attachment 1. A copy of EPRI Report MRP-109 is provided in Enclosure 1. A non-proprietary version of this document does not exist; therefore, the entire document is being requested to be withheld from public disclosure.

A 001  
NRC

The letter contains no new commitments. If you have any questions or require additional information, please contact William J. Steelman at 504-739-6685.

Sincerely,



JAK/SAB

Attachment:

1. EPRI Request for Withholding from Public Disclosure of EPRI Report MRP-109

Enclosure:

1. EPRI Report MRP-109, *Alloy 82/182 Pipe Butt Weld Safety Assessment for US PWR Plant Designs* (April 2005).

cc: Mr. Elmo E. Collins, Jr.  
Regional Administrator  
U. S. Nuclear Regulatory Commission  
Region IV  
612 E. Lamar Blvd., Suite 400  
Arlington, TX 76011-8064

NRC Senior Resident Inspector  
Waterford Steam Electric Station, Unit 3  
P.O. Box 822  
Killona, LA 70066-0751

U.S. Nuclear Regulatory Commission  
Attn: Mr. N. Kalyanam  
MS O-07 D1  
Washington, DC 20555-0001

**Attachment 1 to**

**W3F1-2011-0007**

**EPRI Request for Withholding from Public Disclosure of  
EPRI Report MRP-109**

December 16, 2010

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: Alloy 82/182 Pipe Butt Weld  
Safety Assessment for U.S. PWR Plant Designs (MRP-109):  
Westinghouse and CE Design Plants (Product ID: 1009804)***

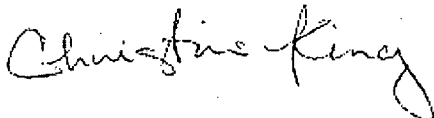
To Whom It May Concern:

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"). The proprietary Report and the Affidavit in support of this request are enclosed.

EPRI desires to disclose the Report in confidence in connection with the License Amendment Request for Leak-Before-Break of the Pressurizer Surge Line at the Waterford Steam Electric Station, Unit 3 presently under review by NRC [Docket No. 50-382]. 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) 855-2164. Questions on the content of the Report should be directed to Craig Harrington of EPRI at (817) 897-1433.

Sincerely,



Christine King

Senior Manager, Nuclear Operations

Together . . . Shaping the Future of Electricity

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## AFFIDAVIT

**RE: Request for Withholding of the Following Proprietary Document:**  
***Materials Reliability Program: Alloy 82/182 Pipe Butt Weld Safety***  
***Assessment for U.S. PWR Plant Designs (MRP-109): Westinghouse and***  
***CE Design Plants (Product ID: 1009804)***

I, Christine King, being duly sworn, depose and state as follows:

I am the Senior Manager Nuclear Operations at Electric Power Research Institute, Inc. whose principal office is located at 1300 W WT Harris Blvd, Charlotte North Carolina ("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 1300 W WT Harris Blvd being the premises and place of business of Electric Power Research Institute, Inc.

Date: 12/17/2010  
Christine King  
Christine King

(State of North Carolina)  
(County of Mecklenburg)

Subscribed and sworn to (or affirmed) before me on this 17<sup>th</sup> day of December, 2010, by Christine King, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature Delvach H. Rouse (Seal)

My Commission Expires 2nd day of April, 2011.