

2011-107 \_\_\_\_\_ BWR Vessel & Internals Project (BWRVIP)

May 20, 2011

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

Attention: Jonathan Rowley

Subject: Project No. 704 – BWRVIP Presentation Material for June 7, 2011 Meeting

Enclosed are five (5) copies of the BWRVIP presentation material to be used at the June 7, 2011 meeting where BWRVIP representatives will present information to the NRC staff on the inspection optimization work that has been ongoing.

Please note that the enclosed presentation material contains proprietary information. A letter requesting that the presentation material be withheld from public disclosure and an affidavit describing the basis for withholding this information are provided as Attachment 1. The enclosed material includes yellow shading to indicate the proprietary information. The proprietary information is also marked with the letters "TS" in the margin indicating the information is considered trade secrets in accordance with 10CFR2.390A.

Two (2) copies of a non-proprietary version of the BWRVIP presentation material are also enclosed. This non-proprietary version is identical to the enclosed proprietary version except that the proprietary information has been deleted.

If you have any questions on this subject please call Randy Schmidt (PSEG Nuclear, BWRVIP Assessment Committee Technical Chairman) at 856.339.3740.

Sincerely,



Dave Czufin  
Exelon  
Chairman, BWR Vessel and Internals Project

c: Andy Hon, NRC

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Additional copies sent to  
PM

6004  
NRC



May 18, 2011

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

**Attention: Jonathon Rowley**

**Subject: Request for Withholding of the following Proprietary Document:**

"BWRVIP Inspection Optimization" presented to the NRC 6/7/2011

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 "Correspondence"). Proprietary and non-proprietary versions of the Correspondence and the Affidavit in support of this request are enclosed.

This information is being provided in advance of the meeting at the request of the NRC staff. The information to be presented at the June 7 meeting is a preview of information that will be included in a BWRVIP report to be submitted to the NRC in the near future expected to be entitled "BWRVIP-XXX: BWR Vessel and Internals Project, Technical Basis for Revision of the BWRVIP-18 Core Spray Inspection Program." Comments from the NRC staff in the June 7 meeting will be incorporated into the future report, as appropriate.

EPRI desires to disclose the Correspondence in confidence to assist the NRC. The Correspondence 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 Correspondence 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 *Randy Stark* of EPRI at (650) 855-2122.

Sincerely,

A handwritten signature in black ink that reads "Christine King". The signature is fluid and cursive.

Christine King  
Sr. Manager, Business & Operations

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## AFFIDAVIT

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

“BWRVIP Inspection Optimization” presented to the NRC 6/7/2011

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

I am the Senior Manager of Business & Operations for the Nuclear Power Sector at 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 Correspondence that is sought under this Affidavit to be withheld (the “Correspondence”). I am authorized to apply to the U.S. Nuclear Regulatory Commission (“NRC”) for the withholding of the Correspondence on behalf of EPRI.

EPRI requests that the Correspondence be withheld from the public on the following bases:

Withholding Based Upon Privileged And Confidential Trade Secrets Or Commercial Or Financial Information:

a. The Correspondence is owned by EPRI and has been held in confidence by EPRI. All entities accepting copies of the Correspondence do so subject to written agreements imposing an obligation upon the recipient to maintain the confidentiality of the Correspondence. The Correspondence is disclosed only to parties who agree, in writing, to preserve the confidentiality thereof.

b. EPRI considers the Correspondence and the proprietary information contained therein (the “Proprietary Information”) to constitute trade secrets of EPRI. As such, EPRI holds the Correspondence in confidence and disclosure thereof is strictly limited to individuals and entities who have agreed, in writing, to maintain the confidentiality of the Correspondence. EPRI made a substantial economic investment to develop the Correspondence, 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 Correspondence. If the Correspondence 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 Correspondence for their own commercial benefit and profit and without expending the substantial economic resources required of EPRI to develop the Correspondence.

c. EPRI’s classification of the Correspondence 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 Correspondence and the Proprietary Information contained therein are not generally known or available to the public. EPRI developed the Correspondence 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 Correspondence. EPRI was required to devote these resources and effort to derive the Proprietary Information and the Correspondence. As a result of such effort and cost, both in terms of dollars spent and dedicated employee time, the Correspondence 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 Correspondence 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.

Date: May 18, 2011

Christine King 5/18/11  
Christine King

(State of California)  
(County of Santa Clara)

Subscribed and sworn to (or affirmed) before me on this 18 day of May, 2011, by Christine King, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature Berte A. Dahl (Seal)

My Commission Expires 20 day of March, 2015

