

June 7, 2013

Christine King  
Director, Nuclear Fuels, Chemistry, High Level Waste  
Electric Power Research Institute  
3420 Hillview Avenue  
Palo Alto, CA 94304

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE OF ELECTRIC POWER RESEARCH INSTITUTE REPORTS, "PIPE RUPTURE FREQUENCIES FOR INTERNAL FLOODING PROBABILISTIC RISK ASSESSMENTS, REVISION 3, EPRI, PALO ALTO, CA: 2013, 3002000079," and "GUIDELINES FOR PERFORMANCE OF INTERNAL FLOODING PROBABILISTIC RISK ASSESSMENT, EPRI, PALO ALTO, CA: 2009, 1019194"

Dear Ms. King:

By letter dated April 29, 2013 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML13143A440), the Electric Power Research Institute (EPRI) submitted an affidavit executed by you on May 1, 2013, requesting that the information contained in the following documents be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

- "Pipe Rupture Frequencies For Internal Flooding Probabilistic Risk Assessments, Revision 3, EPRI, Palo Alto, Ca: 2013, 3002000079"
- "Guidelines For Performance Of Internal Flooding Probabilistic Risk Assessment, EPRI, Palo Alto, Ca: 2009, 1019194"

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

a. The Report is 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 Report, and, by prohibiting public disclosure, EPRI derives an economic benefit in the form of fees charged for the sale of the Report. The Report is entitled to the protection of the United States copyright laws. If the-Report was 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 Report for their own commercial benefit and profit and without expending the substantial economic resources required of EPRI to develop the Report.

c. EPRI made a substantial investment of both money and employee hours over an extended period of time in the development of 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.

d. A public disclosure of the Report would be highly likely to cause substantial harm to EPRI's competitive position and the ability of EPRI to sell the Report both domestically and internationally. If a party does not purchase the Report from EPRI, it would require an investment of money, time and effort equivalent to that expended by EPRI for the party to duplicate the Report.

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, the version(s) of the submitted information 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 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 301-415-1847.

Sincerely,

*/RA/*

Sheldon D. Stuchell, Sr. Project Manager  
Licensing Processes Branch  
Division of Policy and Rulemaking  
Office of Nuclear Reactor Regulation

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Sheldon D. Stuchell, Sr. Project Manager  
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Office of Nuclear Reactor Regulation

Project No. 669

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**NRR-106**

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