



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

October 2, 1995

Mr. Arthur Kenny
Intellectual Property Department
Electric Power Research Institute
3412 Hillview Avenue
P.O. Box 10412
Palo Alto, CA 94303

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
(SEISMIC QUALIFICATION UTILITY GROUP)

Dear Mr. Kenny

By letter dated July 31, 1995, the Seismic Qualification Utility Group (SQUG) submitted for NRC staff review "Revision 3 to the Generic Implementation Procedure (GIP) for Seismic Verification of Nuclear Plant Equipment." Enclosure 7 to the SQUG submittal was a report from the Electric Power Research Institute (EPRI) entitled, "Addendum to Seismic Verification of Nuclear Plant Equipment Anchorage," dated June 1994 (EPRI Report NP5228, Revision 1) (the "Information"). By letter dated August 30, 1995, you submitted an application and affidavit (executed August 30, 1995) and requested that the Information be withheld from public disclosure pursuant to 10 CFR 2.790(a)(4).

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

(i) The Information has been held in confidence by EPRI. EPRI intends to provide copies of the Information to EPRI members and to one or more EPRI contractors. EPRI members and contractors are bound by confidentiality agreements to preserve the confidentiality of proprietary and confidential documents received from EPRI. Receipt of the Information by such members and contractors will not impair the proprietary and confidential nature of the Information nor will such receipt impair the value of the Information as trade secrets. In addition, EPRI may license the Information to organizations that are not EPRI members.

(ii) The Information is of a type customarily held in confidence by EPRI and there is a rational basis therefor. The Information is of a type that EPRI considers to be trade secrets. Such Information is customarily held in confidence by EPRI because to disclose it would prevent EPRI from licensing the Information at fees which would allow EPRI to recover its investment. If consultants and other businesses providing services in the electric power industry were able to obtain the Information, they would be able to use it commercially for profit and avoid spending the large amount of money that EPRI was required to spend to obtain the Information. The rational basis that EPRI has for classifying information as a trade secret is the Uniform Trade Secrets Act which California adopted in 1984 and which has been adopted by over twenty states. The Uniform Trade Secrets Act defines a "trade secret" as follows:

9510050201 951002
PDR TDRP EXIEPRI
B PDR

RD-8-2-EPRI
2-4-1, pt. 2 06062
change: none
DFPI