Enclosure
L-20-270

Electric Power Research Institute Affidavit
(3 pages follow)

ELECTRIC POWER RESEARCH INSTITUTE

AFFIDAVIT

RE: Request for Withholding of the Following Proprietary Information Included In:

Perry Nuclear Power Plant, Docket No. 50-440, License No. NPF-58
Response to Request for Additional Information for Proposed Alternative to
American Society of Mechanical Engineers Boiler and Pressure Vessel Code IR-056,
Revision 3 (EPID L-2020-LLR-0004)

I, Steve Chengelis, being duly sworn, depose and state as follows:

I am the Director of Plant Support 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 Report which contains EPRI Proprietary Information that is sought under this Affidavit to be withheld "Proprietary Information". I am authorized to apply to the U.S. Nuclear Regulatory Commission ("NRC") for the withholding of the Proprietary Information on behalf of EPRI.

EPRI Proprietary Information is identified in the above referenced report with highlighted yellow shading. The pages with the proprietary information are also marked with the letters "TS" in the page footer indicating that information is considered trade secrets in accordance with 10 CFR 2.390.

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

Withholding Based Upon Privileged And Confidential Trade Secrets Or Commercial Or Financial Information (see e.g. 10 C.F.R. §2.390(a)(4)):

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

b. EPRI considers the Proprietary Information contained therein to constitute trade secrets of EPRI. As such, EPRI holds the information in confidence and disclosure thereof is strictly limited to individuals and entities who have agreed, in writing, to maintain the confidentiality of the Information.

c. The information sought to be withheld is considered to be proprietary for the following reasons. EPRI made a substantial economic investment to develop the Proprietary Information 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 Proprietary Information. If 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 Proprietary Information for their own commercial benefit and profit and without expending the substantial economic resources required of EPRI to develop the Proprietary Information.

d. EPRI's classification of 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."

e. The Proprietary Information contained therein are not generally known or available to the public. EPRI developed the Information 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 Propretary Information. EPRI was required to devote these resources and effort to derive the Proprietary Information. As a result of such effort and cost, both in terms of dollars spent and dedicated employee time, the Proprietary Information is highly valuable to EPRI.

f. 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 North Carolina.

Executed at 1300 W WT Harris Blvd, Charlotte, NC being the premises and place of business of Electric Power Research Institute, Inc.

Date: 10/29/20

Steve Chengelis

(State of North Carolina)
(County of Mecklenburg)

Subscribed and sworn to (or affirmed) before me on this 29 day of October, 2020 by Steve Cherugelis, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature Candra B Sheriff (Seal)

CANDRA B SHERIFF
Notary Public
Cabarrus
County
NORTH CAROLINA

My Commission Expires 12 day of August, 2023