



Ref. EPRI Docket Number 99902021

October 11, 2021

Attention: Joseph Holonich, NRR  
Document Control Desk  
Office of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Subject: Request for Withholding of the Following Commercial Document:  
Closed Meeting Presentation Materials Regarding 10/12/2021 Meeting with EPRI-Materials Reliability Program (ML21256A148)

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 commercial information owned by Electric Power Research Institute, Inc. ("EPRI") identified above (the "Report"). Copies of the Presentation Materials and the Affidavit in support of this request are enclosed.

EPRI desires to disclose the Presentation Materials in confidence as requested by the NRC in a letter dated 6/22/2021 [Ref. ML21159A027]. The Presentation Materials are not to be divulged to anyone outside of the NRC nor shall any copies be made of the Presentation Materials 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 (704) 595-2630. Questions on the content of the Presentation Materials should be directed to Kyle Amberge of EPRI at (704) 595-2039.

Sincerely,

Attachment(s)

c: Joe Holonich, NRC (Joe.Holonich@nrc.gov)

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**CHARLOTTE OFFICE**

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## AFFIDAVIT

RE: Request for Withholding of the Following Commercial Document:  
Closed Meeting Presentation Materials Regarding 10/12/2021 Meeting with  
EPRI-Materials Reliability Program (ML21256A148)

I, Steven Mark Swilley, being duly sworn, depose and state as follows:

I am the Senior Director and Deputy Chief Nuclear Officer 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 Presentation Materials that is sought under this Affidavit to be withheld (the "Presentation"). 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 Presentation be withheld from the public on the following basis:

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

c. EPRI made a substantial investment of both money and employee hours over an extended period of time in the development of the Presentation. As a result of such effort and cost, both in terms of dollars spent and dedicated employee time, the Presentation is highly valuable to EPRI.

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

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: Oct 11, 2021

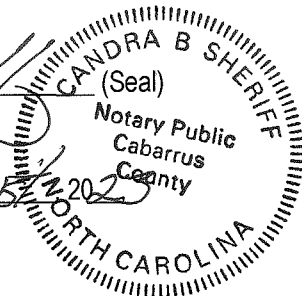
*SM*

Steven Mark Swilley

(State of North Carolina)  
(County of Mecklenburg)

Subscribed and sworn to (or affirmed) before me on this 11 day of October 2021 by *Steven Swilley*, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature *Candra B. Sheriff*



My Commission Expires 12 day of August 2025