

BWRVIP BWR Vessel & Internals Project _____ 99-439

October 27, 1999

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

Attn: C.E. Carpenter

Subject: Project 704 – “BWRVIP Vessel and Internals Project, Technical Basis for Revisions to Generic Letter 88-01 Inspection Schedules (BWRVIP-75),” EPR Report TR-113932, October 1999

Enclosed are ten (10) copies of the document “BWRVIP Vessel and Internals Project, Technical Basis for Revisions to Generic Letter 88-01 Inspection Schedules (BWRVIP-75),” EPR Report TR-113932, October 1999. This document is being submitted as a means of exchanging information with the NRC for the purpose of supporting generic regulatory improvements related to the inspection of BWR components.

Please note that the enclosed document contains proprietary information. A letter requesting the report be withheld from public disclosure and an affidavit describing the basis for withholding this information are provided as Attachment 1.

If you have any questions on this subject please call Steve Lewis of Entergy, BWRVIP Assessment Committee Technical Chairman, at (601) 368-5444.

Sincerely,



Carl Terry
Niagara Mohawk Power Company
Vice Chairman, BWR Vessel and Internals Project

Enclosure

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October 20, 1999

Document Control Clerk
U.S. Nuclear Regulatory Commission
OWFN 11555 Rockville Pike
Rockville, MD 20782

Subject: TR-113932, "BWR Vessel and Internals Project, Technical Basis for Revisions to Generic Letter 88-01 Inspection Schedules (BWRVIP-75)," October, 1999

Gentlemen:

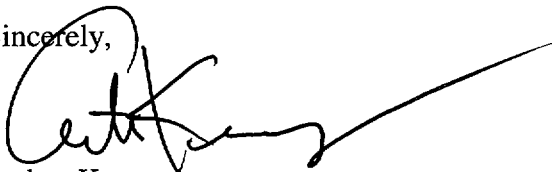
This request under 10CFR2.790(a)(4) that the NRC withhold from public disclosure the information identified in the enclosed affidavit consisting of EPRI owned Proprietary Information identified above (the "Report"). Ten copies of the Report and the affidavit in support of this request are enclosed.

EPRI desires to disclose the Report to the NRC as a means of exchanging information with the NRC that supports the generic regulatory improvements related to the inspection of BWR components. EPRI welcomes any discussions with the NRC related to the Report that the NRC may wish to conduct.

The enclosed Report is for the NRC's internal use and may be used only for the purpose for which it is disclosed by EPRI. The NRC agrees not to otherwise use or disclose to any outside person without prior written permission from EPRI.

If you have any questions about the legal aspects of this request for withholding, please do not hesitate contacting me at (650) 855-2845. Questions on the contents of the Report should be directed to Tom Mulford of EPRI at (650) 855-2766.

Sincerely,



Arthur Kenny
Intellectual Property Attorney
EPRI, Inc.

Encl. ()

Cc: Ken Wolfe @ EPRI

AFFIDAVIT

RE: TR-113932, "BWR Vessel and Internals Project, Technical Basis for Revisions to Generic Letter 88-01 Inspection Schedules (BWRVIP-75)," October, 1999

I, ARTHUR KENNY, being duly sworn, depose and state as follows:

I am an attorney at the Electric Power Research Institute ("EPRI") and I have been specifically delegated responsibility for the report listed above that is sought under this affidavit to be withheld (the "Report") and authorized to apply for their withholding on behalf of EPRI. This affidavit is submitted to the Nuclear Regulatory Commission ("NRC") pursuant to 10CFR2.790(a)(4) based on the fact that the Report consists of trade secrets of EPRI and that the NRC will receive the Report from EPRI under privilege and in confidence.

The basis for which the Report should be withheld from the public is set forth below:

(i) The Report has been held in confidence by EPRI, its owner. All those accepting copies of the Report must agree to preserve the confidentiality of the Report.

(ii) The Report is of a type customarily held in confidence by EPRI and there is a rational basis therefor. The Report is of a type that EPRI considers to be trade secrets and is held in confidence by EPRI because to disclose it would prevent EPRI from licensing the Report at fees which would allow EPRI to recover its investment. If consultants and other businesses providing services in the electric/nuclear power industry were able to publicly obtain the Report, 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 prepare the Report. The rational basis that EPRI has for classifying Report as a trade secrets 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:

"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.

(iii) The Report will be transmitted to the NRC in confidence.

(iv) The Report is not available in public sources. EPRI developed the Report only after making a determination that the Report was not available from public sources. It required a large expenditure of dollars for EPRI to develop the Report. In addition, EPRI was required to use a large amount of time of EPRI employees. The money spent, plus the value of EPRI's staff time in preparing the Report, show that the Report is highly valuable to EPRI. Finally, the Report was developed only after a long period of effort of at least several months.

(v) 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 license the Report both domestically and internationally. The Report can be properly acquired or duplicated by others only with an equivalent investment of time and effort.

I have read the foregoing and the matters stated therein 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.

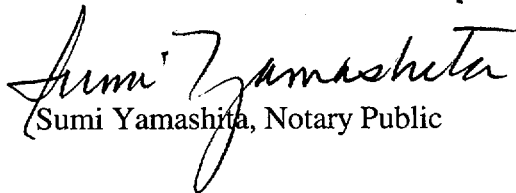
Executed at 3412 Hillview Avenue, Palo Alto, being the premises and place of business of the Electric Power Research Institute:

October 20, 1999


Arthur Kenny

Subscribed and sworn before me this day:

October 20, 1999


Sumi Yamashita, Notary Public

