

October 26, 1999

Document Control Desk  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

**Subject: Request for Withholding of Proprietary Document; 10CFR2.790(a)(4)**

Dear Sir or Madam:

This is a 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 contained within EPRI Report NP-7480-L Addendum 3 and entitled "Steam Generator Tubing Outside Diameter Stress Corrosion Cracking at Tube Support Plates Database for Alternate Repair Limits." The report is referred to below as the "Information." The Information is marked PROPRIETARY and CONFIDENTIAL.

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

Enclosed is an affidavit to support EPRI's request for withholding. If you have any questions relating to the propriety of this request or the enclosed affidavit, please do not hesitate to contact Mark D. Fox at (650) 855-8957. Questions on the technical aspects of the Information may be addressed to me at (650) 855-2109.

Yours truly,



Govinda Srikantiah  
Manager, Steam Generators Dynamics  
Science & Technology Division

Enclosures

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## AFFIDAVIT

**RE: Request for Withholding of Proprietary Document; 10CFR2.790(a)(4)  
NP-7480-L Addendum 3 "Steam Generator Tubing Outside Diameter Stress  
Corrosion Cracking at Tube Support Plates Database for Alternate Repair Limits"  
1999 Database Update to the NRC**

I, JOHN BATEMAN, being duly sworn, depose and state as follows:

I am the Director of the Science & Technology Division at Electric Power Research Institute ("EPRI") and I have been specifically delegated responsibility for reviewing the records, documents and information sought under this affidavit to be withheld (the "Information") and authorized to apply for their withholding on behalf of EPRI. This affidavit is submitted to the Nuclear Regulatory Commission ("NRC") pursuant to 10 CFR 2.790 (a)(4) based on the fact that the Information consists of trade secrets of EPRI owned by EPRI and that the NRC will receive the Information from EPRI under privilege and in confidence.

The Information, which EPRI requests the NRC to withhold, consists of EPRI owned Proprietary Information contained within EPRI Report NP-7480-L Addendum 3 and entitled "Steam Generator Tubing Outside Diameter Stress Corrosion Cracking at Tube Support Plates Database for Alternate Repair Limits." The Information has been marked as PROPRIETARY AND CONFIDENTIAL.

EPRI desires to disclose the Information to the NRC for informational purposes to assist the NRC. EPRI would welcome any discussions between EPRI and the NRC related to the Information that the NRC desires to conduct.

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

(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 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 Information will be transmitted and received by the NRC in confidence. The purpose is to maintain the confidentiality of the Information.

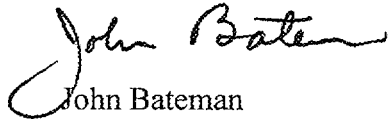
(iv) The Information is not available in public sources. EPRI developed the Information only after making a determination that the Information was not available from public sources. EPRI was required to spend a large amount of money through payments to contractors. In addition, EPRI was required to use a large amount of time of EPRI employees. Finally, the Information was developed only after a long period of effort.

(v) A public disclosure of the Information would be highly likely to cause substantial harm to EPRI's competitive position. The Information can be properly acquired or duplicated by others only with an equivalent investment of time and effort.

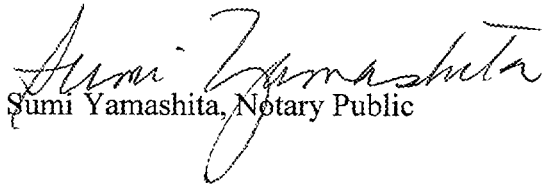
I have read the foregoing and the matters stated therein are true and correct to the best of my knowledge, information and belief. I make this affidavit under penalty of perjury under the laws of the United States of America and under the laws of the State of California.

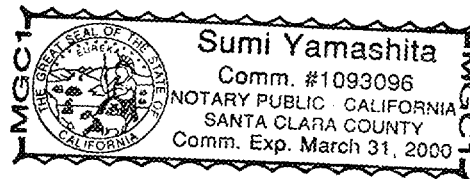
Executed at 3412 Hillview Avenue, Palo Alto, being the premises and place of business of the Electric Power Research Institute:

October 26, 1999

  
John Bateman

Subscribed and sworn before me this day: October 26, 1999

  
Sumi Yamashita, Notary Public



**SAFETY RELATED  
CONTROLLED SHIPMENT  
PACKING LIST/RECEIPT ACKNOWLEDGMENT**

November 4, 1999

Ship To: Document Control Desk  
U.S. Nuclear Regulatory Commission  
Washington D.C. 20555-0001

Product: **SGDSM Design 1999 Database Update Addendum 3**

**The following items are included in this shipment:**

Quantity	Description
1	SAIC/EPSC Certificate of Conformance for SGDSM Addendum 3, dated November, 1 1999
5	NP-7480-L-Addendum 3 1999 Database Update, Steam Generator tubing ODSCC plates for alternate repair limits (TR-113861) CC# D-SGDADD3-2006 <b>** Please destroy or stamp all copies of NP-7480L Addendum 2 as superseded**</b>
5	NP-7480-L-Addendum 3 1999 Database Update, Steam Generator tubing ODSCC plates for alternate repair limits <b>NON-Proprietary – Uncontrolled copies for information only</b>
1	NEI Cover Letter dated September 23, 1999: Steam Generator Degradation Specific Management Database, Addendum 3
1	EPRI Cover Letter dated October 26, 1999: Request for Withholding of Proprietary Document; 10CFR2.790(a)(4)

**Receipt Acknowledgment:**

The above items were received as listed:

\_\_\_\_\_  
Signature of Recipient

\_\_\_\_\_  
Date of Receipt

Please mail or fax to:

Electric Power Software Center  
Attention: QA Records Coordinator  
11803 Sorrento Valley Road  
San Diego, CA 92037  
800/763-3772  
Fax: (858 or 619)453-4495

*Note: This form must be completed and returned within thirty (30) days of receipt in order to satisfy the requirements of the EPSC Quality Assurance Program for the distribution of EPRI Safety-Related products.*