



NUCLEAR ENERGY INSTITUTE

**Alexander Marion**  
DIRECTOR  
ENGINEERING DEPARTMENT  
NUCLEAR GENERATION DIVISION

July 24, 2003

**Dr. Brian W. Sheron**  
Associate Director for Project Licensing and Technical Analysis  
Office of Nuclear Reactor Regulation  
Mail Stop O5-E7  
U. S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

**SUBJECT: Steam Generator Tube Sever Study Report**

**PROJECT NUMBER: 689**

Dear Dr. Sheron:

During their fall 2001 steam generator (SG) inspections, two plants discovered that previously plugged SG tubes had severed and damaged adjacent tubes. During several meetings on the subject, NEI reported that the condition was not a safety concern and that the industry had undertaken a study to determine the potential for plugged tubes to sever and damage adjacent tubes. This study is now complete and a copy of the associated report is enclosed with this letter. The Steam Generator Management Project (SGMP) intends to publish interim guidance on the recommendations in the report and incorporate the recommendations into the appropriate EPRI guidelines when they are next revised.

The proprietary information in Enclosure 1 is supported by the signed affidavit in Enclosure 2. The affidavits set forth the basis on which the information may be withheld from public disclosure by the Commission and addresses with specificity, the consideration listed in paragraph (b)(4) of Section 2.790 of the Commission's regulations. Accordingly, we respectfully request that the information, which is proprietary to EPRI, be withheld from public disclosure in accordance with 10 CFR 2.790. Non-proprietary versions of this information are provided in Enclosure 3.

Dr. Brian W. Sheron

July 24, 2003

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If you have any questions, please contact me or Jim Riley at 202-739-8137,  
jhr@nei.org.

Sincerely,

A handwritten signature in cursive script that reads "Alexander Marion".

Alexander Marion

Enclosures

c: Mr. William H. Bateman  
Ms. Louise Lund  
Mr. Kenneth Karwoski  
Mr. Emmett Murphy

Enclosure 2

**TMI Plugged Tube Severance Study**

**May 2003**

**Proprietary Affidavit**

July 21, 2003

Document Control Clerk  
U.S. Nuclear Regulatory Commission  
OWN 11555 Rockville Pike  
Washington DC, 20555

Subject: "Three Mile Island Plugged Tube Severance: A Study of Damage Mechanisms,"  
EPRI Report 1008438, May 2003.

Gentlemen:

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 identified above (the "Report"). Copies of the Report and the affidavit in support of this request are enclosed.

EPRI desires to disclose the Report in confidence to the NRC as a means of exchanging information in support of generic regulatory improvements relating to NEI 97-06, "Steam Generator Program Guidelines." Further, EPRI welcomes any discussion with the NRC regarding the report that the NRC desires to conduct.

The Report is for the NRC's internal use and may be used only for the purposes 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.

If you have any questions about the legal aspects of this request for withholding, please do not hesitate to contact me at (704) 547-6173. Questions on the contents of the report should be directed to Mohamad M. Behraves of EPRI at (650) 855-2388.

Sincerely,



David Modeen  
Vice President and Chief Nuclear Officer

Enclosures (1)

Cc: Licensing  
Nichole Alexandra Edraos  
Jim Riley/NEI

**AFFIDAVIT**

RE: "PWR Steam Generator Examination Guidelines: Revision 6," EPRI DRAFT Report  
TR-1003138, May 2002.

I, DAVID MODEEN, being duly sworn, depose and state as follows:

I am a Vice President 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 10 CFR 2.790 (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 withholding such Report 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 a type customarily held in confidence by EPRI and there is a rational basis therefor. The Report is a type, which EPRI considers as a trade secret(s) 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/or 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 in preparation of the Report. The rational basis that EPRI has for classifying this/these Report(s) as a trade secrets is justified by 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 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 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:

July 21, 2003

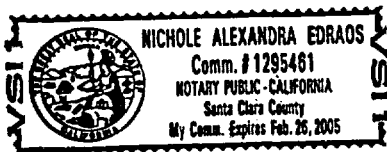


David Modeen

Subscribed and sworn before me this day: July 21, 2003



Nichole Alexandra Edraos, Notary Public



# SUBSCRIBING WITNESS JURAT

State of California

County of Santa Clara } SS.

On 7/21/03, before me, the undersigned, a notary public for the state, personally

appeared ERIC DAVID GEMMIL, personally known to me (or proved to

me on the oath of \_\_\_\_\_, who is personally known to me) to

be the person whose name is subscribed to the within instrument, as a witness there to, who, being by me duly sworn, deposed and said that he/she was present and

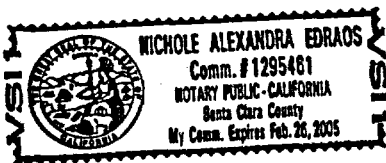
saw David Modeen the

same person(s) described in and whose name(s) is/are subscribed to the within and annexed instrument in his/her/their authorized capacity(ies) as (a) party(ies) thereto, execute the same, and that said affiant subscribed his/her name to the within instrument as a witness at the request of

David Modeen

WITNESS my hand and official seal.

Nichole Alexandra Edraos



## OPTIONAL INFORMATION

The information below is optional. However, it may prove valuable and could prevent fraudulent attachment of this form to an unauthorized document.

### CAPACITY CLAIMED BY SIGNER (PRINCIPAL)

- ☐ INDIVIDUAL  
☐ CORPORATE OFFICER

TITLE(S)

- ☐ PARTNER(S)  
☐ ATTORNEY-IN-FACT  
☐ TRUSTEE(S)  
☐ GUARDIAN/CONSERVATOR  
☐ SUBSCRIBING WITNESS  
☐ OTHER: \_\_\_\_\_

ABSENT SIGNER (PRINCIPAL) IS REPRESENTING:  
NAME OF PERSON(S) OR ENTITY(IES)

### DESCRIPTION OF ATTACHED DOCUMENT

NRC Affidavit

TITLE OR TYPE OF DOCUMENT

NUMBER OF PAGES

DATE OF DOCUMENT

OTHER

RIGHT THUMBPRINT  
OF  
SIGNER

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