

August 18, 2011

Ms Christine King, Sr. Manager
Business and Operations
3420 Hillview Ave.
Palo Alto, CA 94304-1338

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE

Dear Ms King,

By letter dated April 20, 2011, you submitted an affidavit dated April 20, 2011, requesting that the information contained in the following documents be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.390(a)(4):

- EPRI [Electric Power Research Institute] 1019160, "Failure Models and Data Analysis for Nuclear Plant Medium Voltage Cables for Consideration in Preventive Maintenance and Strategic Replacement;"
- EPRI 1018777, "Failure Mechanism Assessment of Medium-Voltage Ethylene Propylene Rubber Cables;"
- EPRI 1021070, "Medium Voltage Cable Aging Management Guide;"
- EPRI 1021069, "Medium Voltage Cable Failure Mechanism Report, Update 1."

The letter and affidavit were received and entered into the Nuclear Regulatory Commission's (NRC's) Agency-wide Documents Access and Management System (ADAMS) on August 18, 2011, and can be accessed at Accession Number ML112300206. The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- a) The Reports are owned by EPRI and has been held in confidence by EPRI. The reports are disclosed only to parties who agree, in writing, to preserve the confidentiality thereof.
- b) EPRI considers the Reports and the proprietary information contained therein to constitute trade secrets of EPRI. EPRI made a considerable economic investment in developing the Reports, and, by prohibiting public disclosure, EPRI derives an economic benefit in the form of licensing royalties and other additional fees from the confidential
- c) nature of the Reports. If the Reports were made publicly available, consultants and/or other businesses providing services in the electrical and/or nuclear power industry would

be able to use the Reports for their own commercial benefit and profit without expending the substantial economic resources required of EPRI to develop the Reports.

- d) EPRI's classification of the Reports as trade secrets is justified by the Uniform Trade Secrets Act which California adopted in 1984.
- e) The Reports and the proprietary information contained therein are not generally known or available to the public. EPRI developed the Reports only after making the 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 these Reports, and as a result, these Reports are highly valuable to EPRI.
- f) A public disclosure of the proprietary information in the Reports would be highly likely to cause substantial harm to EPRI's competitive position and the ability of EPRI to license the Reports both domestically and internationally. The proprietary information in the Reports can only be acquired and/or duplicated using an equivalent investment of time and effort.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavit and review by NRC staff, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the above EPRI reports, marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

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If you have any questions regarding this matter, I may be reached at 301-251-7632.

Sincerely,

/RA/

C.E. (Gene) Carpenter, Jr.
Group Lead for Aging Management Issues
Corrosion and Materials Branch
Division of Engineering
Office of Nuclear Regulatory Research

Project No. 669

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C. King

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