

MRP Materials Reliability Program _____ MRP 2019-027

November 4, 2019

EPRI Docket No. 99902021

U.S. Nuclear Regulatory Commission
One White Flint North
Mail Stop: 0-12-D2
11555 Rockville Pike
Rockville, Maryland 20852-2738

Subject: TRANSMITTAL OF EPRI TECHNICAL REPORT MRP-230 REVISION 2 SUPPLEMENT 2

References:

1. Letter from Joseph Holonich (NRC) to Brian Burgos (EPRI), dated October 28, 2019 [ML19291A006]

As discussed during the May 21-22, 2019 NRC-industry materials exchange meeting, and in response to NRC's letter (Reference 1) requesting that EPRI provide a report to support NRC's review of utility aging management plans (AMP) submitted in accordance with NUREG-1801 Revision 2 and the EPRI Report 3002005349, "Materials Reliability Program: Pressurized Water Reactor Internals Inspection and Evaluation Guidelines (MRP-227-Rev. 1)" we are forwarding a copy of the following document:

Materials Reliability Program: Functionality Analysis for Flexible Operations of Westinghouse-Design Representative PWR Internals (MRP-230, Revision 2-Supplement 2). EPRI, Palo Alto, CA: 2019. 3002013070.

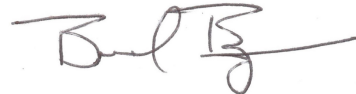
Proprietary and non-proprietary versions of the Report are enclosed. Also included is an affidavit requesting that this licensed/copyrighted information be withheld from public disclosure. These documents include proper markings on them in accordance with 10 CFR 2.390.

This report is provided as additional supplementary information to that previously provided to the US NRC in EPRI letter MRP 2019-026 [ML19255E352]. If you have any questions, please contact Brian Burgos at 724-610-8559, or Kyle Amberge at 704-595-2039.

Sincerely,



Mike Hoehn II, Ameren-Missouri
MRP Research Integration Committee Chair



Brian Burgos, Program Manager
EPRI-MRP

Enclosure: MRP-230 Revision 2-Supplement 2

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Ref. EPRI Docket Number 99902021

November 1, 2019

Attention: Joe 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 Proprietary Document:

Materials Reliability Program: Functionality Analysis for Flexible Operations of Westinghouse-Design Representative PWR Internals (MRP 230, Revision 2-Supplement 2). EPRI, Palo Alto, CA: 2019. 3002013070.

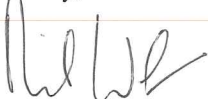
To Whom It May Concern:

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 proprietary information owned by Electric Power Research Institute, Inc. ("EPRI") identified above (the "Report"). Proprietary and non-proprietary versions of the Report and the Affidavit in support of this request are enclosed.

EPRI desires to disclose the Report in confidence as requested by the NRC in a letter dated 10/28/2019 [Ref. ML19291A006]. The Report is not to be divulged to anyone outside of the NRC or to any of its contractors, nor shall any copies be made of the Report 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) 595-2732. Questions on the content of the Report should be directed to Kyle Amberge of EPRI at (704) 595-2039.

Sincerely,



Attachment(s)

AFFIDAVIT

RE: Request for Withholding of the Following Proprietary Document:

Materials Reliability Program: Functionality Analysis for Flexible Operations of Westinghouse-Design Representative PWR Internals (MRP 230, Revision 2-Supplement 2). EPRI, Palo Alto, CA: 2019. 3002013070.

I, Neil Wilmshurst, being duly sworn, depose and state as follows:

I am the Vice President and 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 Report that is sought under this Affidavit to be withheld (the "Report"). 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 Report be withheld from the public on the following bases:

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 Report is owned by EPRI and has been held in confidence by EPRI. All entities accepting copies of the Report do so subject to written agreements imposing an obligation upon the recipient to maintain the confidentiality of the Report. The Report is disclosed only to parties who agree, in writing, to preserve the confidentiality thereof.

b. EPRI considers the Report and the proprietary information contained therein (the "Proprietary Information") to constitute trade secrets of EPRI. As such, EPRI holds the Report in confidence and disclosure thereof is strictly limited to individuals and entities who have agreed, in writing, to maintain the confidentiality of the Report. EPRI made a substantial economic investment to develop the Report, and, by prohibiting public disclosure, EPRI derives an economic benefit in the form of licensing royalties and other additional fees from the confidential nature of the Report. If the Report and the Proprietary Information were publicly available to consultants and/or other businesses providing services in the electric and/or nuclear power industry, they would be able to use the Report for their own commercial benefit and profit and without expending the substantial economic resources required of EPRI to develop the Report.

c. EPRI's classification of the Report and the Proprietary Information as trade secrets is justified by the Uniform Trade Secrets Act which California adopted in 1984 and a version of which has been adopted by over forty states. The California Uniform Trade Secrets Act, California Civil Code §§3426 – 3426.11, 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."

d. The Report and the Proprietary Information contained therein are not generally known or available to the public. EPRI developed the Report only after making a 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 the Report. EPRI was required to devote these resources and effort to derive the Proprietary Information and the Report. As a result of such effort and cost, both in terms of dollars spent and dedicated employee time, the Report is highly valuable to EPRI.

e. A public disclosure of the Proprietary Information would be highly likely to cause substantial harm to EPRI's competitive position and the ability of EPRI to license the Proprietary Information both domestically and internationally. The Proprietary Information and 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 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: 11-1-2019

Neil Wilmschurst
Neil Wilmschurst

(State of North Carolina)

(County of Mecklenburg)

Subscribed and sworn to (or affirmed) before me on this 1 day of November, 2019, by Neil Wilmschurst, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature Candra B. Shuff

(Seal)

My Commission Expires 12 day of August, 2020

