



Electric Power
Research Institute

Powering Progress through Innovative Solutions

November 21, 1996

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

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

Dear Mr. Hansen:

In response to your request the enclosed affidavit supersedes the affidavits previously sent for the following EPRI Reports:

TR103237	EPRI MOV Performance Prediction Program Topical Report
TR103226	Methods to Address Rate-of-Loading Effects in Torque Switch Controlled MOVs
TR103244	Methodology Implementation Guide
TR103231	Methodology Assessment Report
TR103229	Final Report "Gate Valve Model Report, Volumes 1 & 2
TR103229	Errata to Draft Report 103229
TR103243	MOV Performance Prediction Methodology Software Users Manual
TR103242	MOV Performance Prediction Methodology for PC Software Diskette
TR103232	Stem Thrust Prediction Method for Anchor/Darling Double Disk Gate Valves
TR104082	Flow Loop Test Results for MOV #61
(none)	EPRI MOV Performance Prediction Methodology Training Course Materials.

If you have any questions relating to the enclosed affidavit, please do not hesitate to contact me at (415) 855-2845 or fax (415) 855-8931.

Yours truly,

Arthur Kenny
Intellectual Property Attorney
Intellectual Property Department

Enclosures

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PDR TOPRP EXIEPRI
C PDR

Handwritten notes: "Add: Allen Hansen", "Hr Encl", "11", "T010", and a vertical line with a dot at the bottom.

Handwritten note: "RD-8-2 EPRI"

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AFFIDAVIT

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

I am a Intellectual Property Attorney of the 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 reports as follows:

TR103237	EPRI MOV Performance Prediction Program Topical Report
TR103226	Methods to Address Rate-of-Loading Effects in Torque Switch Controlled MOVs
TR103244	Methodology Implementation Guide
TR103231	Methodology Assessment Report
TR103229	Final Report "Gate Valve Model Report, Volumes 1 & 2
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TR104082	Flow Loop Test Results for MOV #61
(none)	EPRI MOV Performance Prediction Methodology Training Course Materials.

The above 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 Reports 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.

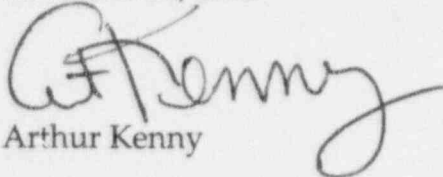
(v) A public disclosure of the Information would be highly likely to cause substantial harm to EPRI's competitive position. The Information can be properly acquired or duplicated by others only with an equivalent investment of time and effort.

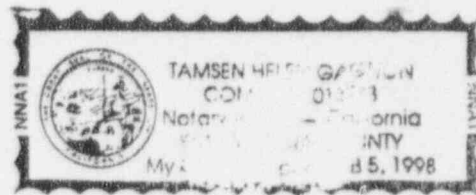
I have read the foregoing and the matters stated therein are true and correct to the best of my knowledge, information and belief.

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:

November 21, 1996


Arthur Kenny



Subscribed and sworn before me this day: *November 21, 1996*

Tamsen Helen Gagnon

NOTARY PUBLIC

