

MRP Materials Reliability Program MRP 2021-009

June 25, 2021

Docket No. 99902021

U.S. Nuclear Regulatory Commission
Document Control Desk
11555 Rockville Pike
1 White Flint N; Mail Stop: 0-12-D2
ROCKVILLE, MD 20852

Subject: Transmit Electric Power Research Institute Topical Report MRP-232 Revision 2 to NRC for Information (TAC NO. ME0680)

Reference:

1. Letter from Joseph Holonich (NRC) to Brian Burgos (EPRI) (EPID L-2019-PMP-0095), dated May 2, 2021 [ADAMS accession number ML21138A054]

In response to NRC's letter (Reference 1) requesting that EPRI provide for information only a copy of a technical report to support NRC review of PWR utility SLR applications, we are forwarding one (1) copy of the following report:

Materials Reliability Program: Aging Management Strategies for Westinghouse and Combustion Engineering PWR Internal Components (MRP-232, Revision 2). EPRI, Palo Alto, CA: 2021. 3002020104..

Also included is an affidavit requesting that this licensed and copyrighted information be withheld from public disclosure. The document includes the proper markings on them in accordance with 10 CFR 2.390(a)(4).

Based on the information in the report, and the great extent of redaction required (>75% of the text and figures), EPRI will not generate a redacted copy of this report for inclusion in ADAMS. Since the NRC requested an **information only** copy of this 354-page technical report, the labor cost and burden associated with producing a redacted copy is unwarranted and inappropriate given the minimal public benefit of providing a redacted version with so many pages of redactions. EPRI provides the front matter of this technical report for inclusion in ADAMS, and also EPRI notes that only this front matter information is available to all members of the public at the following EPRI webpage:

<https://www.epri.com/research/products/000000003002020104>

If you have any questions, please contact Kyle Amberge at 704-595-2039.

Sincerely,



Christopher R. Koehler, Xcel Energy
MRP RIC Chair



Kurt Edsinger, EPRI
Director, Materials

cc: Joseph Holonich (NRC)
MRP RIC Members

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CHARLOTTE OFFICE

1300 West W.T. Harris Boulevard, Charlotte, NC 28262-8550 USA • 704.595.2000 • Fax 704.595.2860
Customer Service 800.313.3774 • www.epri.com

DR. RITA BARANWAL
Vice President, Nuclear
and Chief Nuclear Officer

Ref. Docket No. 99902021

June 23, 2021

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: Aging Management Strategies for Westinghouse and Combustion
Engineering PWR Internal Components (MRP-232, Revision 2). EPRI, Palo Alto, CA: 2021. 3002020104.

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 5/20/2021 [Ref. ML21138A054]. 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) 595-2004. Questions on the content of the Report should be directed to Kyle Amberge of EPRI at (704) 595-2039.

Sincerely,



Attachment(s)

c: Joe Holonich, NRC (joseph.holonich@nrc.gov)

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AFFIDAVIT

RE: Request for Withholding of the Following Proprietary Document:

Materials Reliability Program: Aging Management Strategies for Westinghouse and Combustion Engineering PWR Internal Components (MRP-232, Revision 2). EPRI, Palo Alto, CA: 2021. 3002020104.

I, Rita Baranwal, 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: 6/23/21

[Signature]
Rita Baranwal

(State of North Carolina)
(County of Mecklenburg)

Subscribed and sworn to (or affirmed) before me on this 23 day of June, 2021 by Rita Baranwal, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature [Signature] (Seal)

My Commission Expires 12 day of August, 2023

