

June 30, 2011

Chief Financial Officer  
U. S. Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, MD 20852

Subject: Request for Exemption of NRC Review Fees for “BWRVIP-76, Revision 1: BWR Vessel and Internals Project, BWR Core Shroud Inspection and Flaw Evaluation Guidelines”

The purpose of this letter is to request that the document entitled “BWRVIP-76, Revision 1: BWR Vessel and Internals Project, BWR Core Shroud Inspection and Flaw Evaluation Guidelines” be exempt from NRC review fees in accordance with 10CFR170.11(a)(1)(iii).

BWRVIP-76, Revision 1 was submitted to the NRC by the letter enclosed as Attachment 1, which indicates that the document was submitted as a means of exchanging information for the purpose of supporting generic regulatory improvements related to BWR core shroud inspections and evaluations. The enclosed report is an update to the original BWR Core Shroud Inspection and Flaw Evaluation Guidelines (BWRVIP-76) previously reviewed by the NRC on a fee exempt basis.

The guidelines in BWRVIP-76, Revision 1 serve as an effective means to address BWR core shroud inspections that are not addressed by the ASME Code or by NRC regulations. NRC review and acceptance of BWRVIP-76, Revision 1 document is the most efficient use of industry and NRC resources to ensure protection of the health and safety of the public. The guidelines in this document will be voluntarily implemented by all the BWR utilities and the inspection results will be periodically submitted to the NRC to keep the NRC informed of service-related inspection issues related to BWR internals. By reviewing the BWRVIP-76, Revision 1 document, the NRC will have an opportunity to make generic regulatory improvements in an area which is not addressed by current NRC regulations.

In addition, BWRs applying for license renewal for an extended period will reference BWRVIP-76, Revision 1 as a means of implementing the recommendations in the NUREG-1801 and ultimately meeting the requirements of 10 CFR Part 54 for license renewal. The previous version of the enclosed report (BWRVIP-76-A) is currently referenced in NUREG-1801, Revision 2 and the NRC staff will likely use BWRVIP-76, Revision 1 when updating NUREG-1801 and other associated NRC documents such as NUREG-1800, “Standard Review Plan for Review of License Renewal Applications for Nuclear Power Plants” and NUREG-1833,

Together . . . Shaping the Future of Electricity

“Technical Basis for Revision to the License Renewal Guidance Documents.” Therefore, NRC review and acceptance of BWRVIP-76, Revision 1 would provide for a generic regulatory improvement since there are no current regulatory or ASME Code requirements to inspect or evaluate these internal components for either the original license term or an extended license term.

If you have any questions on this subject please contact Chuck Wirtz (FirstEnergy, BWRVIP Integration Committee Technical Chairman by telephone at 440.280.7665 or by e-mail at [cjwirtz@firstenergycorp.com](mailto:cjwirtz@firstenergycorp.com).

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Czufin', with a stylized flourish at the end.

Dave Czufin  
Exelon  
Chairman, BWR Vessel and Internals Project

c: Matt Mitchell, NRC  
Jonathan Rowley, NRC  
Andy Hon, NRC  
Chuck Wirtz, FirstEnergy  
Randy Stark, EPRI



2011-119 \_\_\_\_\_ BWR Vessel & Internals Project (BWRVIP)

June 30, 2011

Document Control Desk  
U. S. Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, MD 20852

Attention: Jonathan Rowley

Subject: Project No. 704 – BWRVIP-76, Revision 1: BWR Vessel and Internals Project,  
BWR Core Shroud Inspection and Flaw Evaluation Guidelines”

Enclosed are five (5) paper copies of the report “BWRVIP-76, Revision 1: BWR Vessel and Internals Project, BWR Core Shroud Inspection and Flaw Evaluation Guidelines,” EPRI Technical Report 1022843, May 2011. This report is being transmitted to the NRC staff as a means of exchanging information with the NRC for the purpose of supporting generic regulatory improvements related to BWR core shroud inspections and evaluations.

The original version of this report was published as BWRVIP-76 (TR-114232). Subsequent to review of BWRVIP-76 by the NRC, BWRVIP-76-A was published (in 2009) and incorporated information from the NRC review. After reviewing BWRVIP-76-A, NRC determined that the report included a number of technical changes that had not been approved by their Safety Evaluation of BWRVIP-76 and requested that the report, including the additional technical changes, be resubmitted for review. In response to that request, the BWRVIP developed this current version of the report, BWRVIP-76 Revision 1. This revision includes the BWRVIP-76-A content in its entirety as well as a number of additional clarifications that were determined to be appropriate.

The BWRVIP requests that NRC review of BWRVIP-76, Revision 1 be performed on a fee exempt basis and a separate BWRVIP letter to the NRC Chief Financial Officer is being transmitted requesting a fee exemption.

Please note that the enclosed report contains proprietary information. A letter requesting that the report be withheld from public disclosure and an affidavit describing the basis for withholding this information are provided as Attachment 1. All proprietary information is highlighted with brackets and yellow shading. The proprietary information is also marked with the letters “TS” in the margin indicating that information is considered trade secrets in accordance with 10CFR2.390.

Together . . . Shaping the Future of Electricity

**PALO ALTO OFFICE**

3420 Hillview Avenue, Palo Alto, CA 94304-1395 USA • 650.855.2000 • Customer Service 800.313.3774 • [www.epri.com](http://www.epri.com)

BWRVIP 2011-119

Two paper copies of the non-proprietary report "BWRVIP-76, Revision 1: BWR Vessel and Internals Project, BWR Core Shroud Inspection and Flaw Evaluation Guidelines," EPRI Technical Report 1022843NP, May 2011, are also enclosed. This non-proprietary report is identical to the enclosed proprietary report except that the proprietary information has been deleted and the letters "NP" appear in the BWRVIP report number.

If you have any questions on this subject please call Randy Schmidt (PSEG Nuclear, BWRVIP Assessment Focus Group Chairman) at 856-339-3740.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Czufin". The signature is stylized with a large, looped initial "D" and a long, sweeping underline.

Dave Czufin  
Exelon  
Chairman, BWR Vessel and Internals Project

c: Andrew Hon, NRC

**NEIL WILMSHURST**  
Vice President and  
Chief Nuclear Officer

June 24, 2011

**Attention: Andrew Hon**  
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:**

BWRVIP-76, Revision 1: BWR Vessel and Internals Project, BWR Core Shroud Inspection and Flaw Evaluation Guidelines. EPRI Technical Report 1022843, May 2011

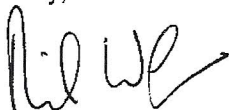
Dear Andrew:

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 Correspondence and the Affidavit in support of this request are enclosed.

EPRI desires to disclose the Report in confidence to assist the NRC. 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) 704-595-2732. Questions on the content of the Report should be directed to **Randy Stark** of EPRI at (650) 855-2122.

Sincerely,



## AFFIDAVIT

**RE: Request for Withholding of the Following Proprietary Document:**

BWRVIP-76, Revision 1: BWR Vessel and Internals Project, BWR Core Shroud Inspection and Flaw Evaluation Guidelines. EPRI Technical Report 1022843, May 2011

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 1300 W WT Harris Blvd, Charlotte North Carolina ("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:

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 California.

Executed at 1300 W WT Harris Blvd being the premises and place of business of Electric Power Research Institute, Inc.

Date: 6-24-2011

Neil Wilmschurst  
Neil Wilmschurst

(State of North Carolina)  
(County of Mecklenburg)

Subscribed and sworn to (or affirmed) before me on this 24<sup>th</sup> day of June, 2011, by Neil Wilmschurst, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature Deborah H. Rouse (Seal)

My Commission Expires 2<sup>nd</sup> day of April, 2016