

July 24, 2015

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

Attention: Joseph Holonich

Subject: Project No. 704 – BWRVIP Response to NRC Draft Safety Evaluation (SE) for BWRVIP-183

Reference: Letter from John R. Joiliceur (NRC) to David Czufin (BWRVIP Chairman), Draft Safety Evaluation for Electric Power Research Institute Boiling Water Reactor Vessel and Internals Project Topical Report “BWRVIP-183 Report, BWRVIP Vessel and Internals Project – Top Guide Grid Beam Inspection and Flaw Evaluation Guidelines” (TAC NO. ME2178), December 13, 2011

Enclosed are five (5) copies of the BWRVIP response to the NRC’s draft SE for the BWRVIP report entitled “BWRVIP-183: BWR Vessel and Internals Project, Top Guide Grid Beam Inspection and Flaw Evaluation Guidelines.” The draft SE was transmitted to the BWRVIP by the NRC letter referenced above.

The subject draft SE contained conditional use provisions without any prior notice during the review process that it would contain such conditions. Upon receipt of the draft SE, and given that the conditions were believed by the BWRVIP to be overly conservative, the BWRVIP asked the NRC to hold issuance of the SE in abeyance so the BWRVIP could provide a response to the conditions. This letter transmits the BWRVIP response. Note that in order to strengthen the BWRVIP’s response, operating experience was gained over the past several years and is included summarized in the response.

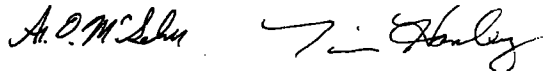
Please note that the enclosed response contains proprietary information. A letter requesting that the response be withheld from public disclosure and an affidavit describing the basis for withholding this information are provided as Attachment 1. The response includes yellow shading and brackets to indicate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

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Two (2) copies of a non-proprietary version of the BWRVIP response to the draft SE are also enclosed. This non-proprietary response is identical to the enclosed proprietary response except that the proprietary information has been deleted.

If you have any questions on this subject please call Ron DiSabatino (Exelon, BWRVIP Assessment Committee Technical Chairman) at 717.456.3685.

Sincerely,

Handwritten signatures of Andrew McGehee and Tim Hanley.

Andrew McGehee, EPRI, BWRVIP Program Manager  
Tim Hanley, Exelon, BWRVIP Chairman

July 24, 2015

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 Information Included in:**

"BWRVIP Responses to NRC Conditions Stated in the NRC Draft SE on BWRVIP-183" - dated July 2015

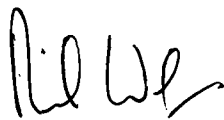
To Whom It May Concern:

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

EPRI desires to disclose the Proprietary Information in confidence to assist the NRC review of the enclosed submittal to the NRC. The Proprietary Information 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 Proprietary Information 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 Andy McGehee of EPRI at (704) 502-6440.

Sincerely,



**AFFIDAVIT**

**RE: Request for Withholding of the Following Proprietary Information Included In:**

“BWRVIP Responses to NRC Conditions Stated in the NRC Draft SE on BWRVIP-183” - dated July 2015

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, NC. (“EPRI”) and I have been specifically delegated responsibility for the above-listed report that contains EPRI Proprietary Information that is sought under this Affidavit to be withheld “Proprietary Information”. I am authorized to apply to the U.S. Nuclear Regulatory Commission (“NRC”) for the withholding of the Proprietary Information on behalf of EPRI.

EPRI Information is identified in the above referenced report by double square brackets with yellow shading. An example of such identification is as follows:

[[This sentence is an example]]

Tables containing EPRI proprietary information are identified with double square brackets before and after the object. The proprietary information is also marked with the letters “TS” in the margin indicating the information is considered trade secrets in accordance with 10CFR2.390A. EPRI requests that the Proprietary Information be withheld from the public on the following bases:

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

b. EPRI considers the Proprietary Information contained therein to constitute trade secrets of EPRI. As such, EPRI holds the Information in confidence and disclosure thereof is strictly limited to individuals and entities who have agreed, in writing, to maintain the confidentiality of the Information.

c. The information sought to be withheld is considered to be proprietary for the following reasons. EPRI made a substantial economic investment to develop the Proprietary Information 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 Proprietary Information. If 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 Proprietary Information for their own commercial benefit and profit and without expending the substantial economic resources required of EPRI to develop the Proprietary Information.

d. EPRI's classification of 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."

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

f. 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 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 being the premises and place of business of Electric Power Research Institute, Inc.

Date: 7-24-2015

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 July, 2015 by Neil Wilmschurst, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature Deborah A. Rouse (Seal)

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