

March 8, 2019

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

BWRVIP Docket No. 99902016

Subject: Request for Exemption of NRC Review Fees for “BWRVIP-321: BWR Vessel and Internals Project, Plan for Extension of the BWR Integrated Surveillance Program (ISP) Through the Second License Renewal (SLR)”

- References:**
1. *BWRVIP-86, Revision 1-A: BWR Vessel and Internals Project, Updated BWR Integrated Surveillance Program (ISP) Implementation Plan.* EPRI, Palo Alto, CA: 2012. 1025144.
 2. *Safety Evaluation Regarding EPRI Proprietary Reports “BWR Vessel and Internals Project, BWR Integrated Surveillance Program Plan (BWRVIP-78)” and “BWRVIP-86: BWR Vessel and Internals Project, BWR Integrated Surveillance Program Implementation Plan,”* February 1, 2002 (ADAMS Accession Number ML020380691).
 3. C.E. Carpenter (USNRC) to E.J. Sullivan (USNRC), “*Meeting Summary for November 5 and 6, 1997, Meeting with Boiling Water Reactors Vessel and Internals Project Technical Chairs, Regarding BWRVIP-07 Safety Evaluation Report and to Discuss Issues Related to BWR License Vessel Surveillance Programs, Relative to Monitoring Radiation Embrittlement at BWR Facilities,*” December 9, 1997 (ADAMS Accession Number 9712160051).
 4. *Meeting between the NRC Staff and the Electric Power Research Institute on Integrated Surveillance Program,* June 13, 2018 (ADAMS Accession Number ML18115A259).

The purpose of this letter is to request that the document titled “BWRVIP-321: BWR Vessel and Internals Project, Plan for Extension of the BWR Integrated Surveillance Program (ISP) Through the Second License Renewal (SLR)” be exempt from NRC review fees in accordance with 10CFR170.11(a)(1)(ii) and 10CFR170.11(b) and based on past precedent.

BWRVIP-321 was submitted to the NRC by the letter enclosed as Attachment 1 indicating that the document provides an extension to the BWRVIP ISP which has been relied upon by the NRC

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and the U.S. boiling water reactor (BWR) fleet since 2002 to satisfy the requirements of 10CFR50 Appendix H. The current program plan for the ISP (Reference 1) and prior versions (Reference 2) were previously reviewed and approved by the NRC on a fee exempt basis.

As described in Reference 3, the NRC identified a concern in 1997 regarding a lack of unirradiated baseline Charpy V-notch (CVN) data for some plant-specific BWR surveillance programs. This missing baseline data negatively impacted the Staff's ability to assess radiation embrittlement in BWR environments. Furthermore, the NRC staff felt that sufficient data from a number of BWRs was necessary to continue to support the conclusion that the embrittlement models of Regulatory Guide 1.99, Revision 2 were applicable to BWRs. In response, the BWRVIP initiated the development of the ISP primarily to address these NRC concerns. Surveillance data provided by the ISP has since been used by the NRC staff in assessing the adequacy of the Regulatory Guide 1.99, Revision 2 models for BWRs and eliminated the need for the NRC to develop any additional regulatory guidance to address their concerns.

The currently approved ISP program plan (Reference 1) only addresses operation of the U.S. BWR fleet up to 60 years. For several reasons, which are discussed in Section 2.2 of BWRVIP-321, the current program is unable to provide a complete set of data to support operation of the U.S. BWR fleet for a second license renewal (80 years). Without an extension or replacement to the ISP, individual BWR plants applying for SLR will have little choice but to reinstate their previous plant-specific surveillance programs. For many BWR plants, this would have the potential to reintroduce the NRC concerns identified in Reference 3 that were successfully addressed by the ISP. An extension to the ISP will ensure that the NRC concerns discussed above will continue to be addressed through 80 years of operation. Furthermore, the extension to the ISP will allow for data to be provided so that the NRC can continue to assess the adequacy of the Regulatory Guide 1.99, Revision 2 models for BWRs. For these reasons, an exemption from review fees for BWRVIP-321 is requested per 10CFR170.11(a)(1)(ii).

The ISP has demonstrated additional benefits as discussed in Section 3.0 of the Safety Evaluation for the original version of the ISP (Reference 2). These include: 1) providing a better representation of the limiting reactor pressure vessel materials than those contained in the plant-specific surveillance programs, and 2) inclusion of material from the Boiling Water Reactor Owners Group (BWROG) Supplemental Surveillance Program (SSP) which improved the overall quality of the data being used to evaluate BWR embrittlement. It is in the interest of the public for the U.S. BWR fleet to have a reactor vessel material surveillance program that appropriately addresses potential embrittlement in the SLR period. An extension to the ISP is the best way to accomplish this and would eliminate the potential for the previously identified issues to be introduced through the reinstatement of plant-specific programs. For this reason, an exemption from review fees for BWRVIP-321 is also requested from the Commission per 10CFR170.11(b).

Lastly, it is requested that, if this fee exemption is approved, any fees billed to the BWRVIP associated with the report pre-submittal meeting (Reference 4) be refunded.

If you have any questions on this subject, please contact the BWRVIP ISP project manager, Nathan Palm, by telephone at 724.288.4043 or by e-mail at npalm@epri.com.

Sincerely,



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

c: D. Alley, NRC-NRR
A. D. Odell, Exelon Corp.
R. Carter, EPRI
A. McGehee, EPRI



2019-021 _____ BWR Vessel & Internals Project (BWRVIP)

March 8, 2019

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

BWRVIP Docket No. 99902016

Attention: Joseph Holonich

Subject: Transmittal of “BWRVIP-321: BWR Vessel and Internals Project, Plan for Extension of the BWR Integrated Surveillance Program (ISP) Through the Second License Renewal (SLR)”

References: 1. *BWRVIP-86, Revision 1-A: BWR Vessel and Internals Project, Updated BWR Integrated Surveillance Program (ISP) Implementation Plan*. EPRI, Palo Alto, CA: 2012. 1025144.

Enclosed is one (1) paper copy of the report “BWRVIP-321: BWR Vessel and Internals Project, Plan for Extension of the BWR Integrated Surveillance Program (ISP) Through the Second License Renewal (SLR),” EPRI Technical Report 3002013097, December 2018. This report is being transmitted to the NRC for review and approval.

This report describes an extension to the BWRVIP Integrated Surveillance Program (ISP) to address SLR, which would allow for operation to 80 years of plant life. Since 2002, the U.S. boiling water reactor (BWR) fleet has relied on the ISP to satisfy the requirements of 10CFR50 Appendix H. The U.S. Nuclear Regulatory Commission approved the current program plan for the ISP in Reference 1.

BWRVIP requests that the NRC review of BWRVIP-321 be performed on a fee exempt basis and a separate BWRVIP letter to the NRC Chief Financial Officer (CFO) is being transmitted requesting a fee exemption. The BWRVIP requests that the NRC review of BWRVIP-321 proceed in parallel with the CFO’s review of the fee exemption request.

Please note that the enclosed report contains proprietary information. All proprietary information is highlighted with yellow shading. Pages containing the proprietary information are also marked with the letters “TS” in the footer area indicating that the highlighted information is considered trade secrets in accordance with 10CFR2.390. A letter requesting that the report be withheld

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from public disclosure and an affidavit describing the basis for withholding this information are provided as Attachment 1.

One paper copy of the non-proprietary report “BWRVIP-321NP: BWR Vessel and Internals Project, Plan for Extension of the BWR Integrated Surveillance Program (ISP) Through the Second License Renewal (SLR),” EPRI Technical Report 3002013097NP, 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 contact the BWRVIP ISP project manager, Nathan Palm, by telephone at 724.288.4043 or by e-mail at npalm@epri.com.

Sincerely,



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

c: D. Alley, NRC-NRR
A. D. Odell, Exelon Corp.
R. Carter, EPRI
A. McGehee, EPRI



Ref. EPRI Docket No. 99902016

March 8, 2019

Attention: Joseph Holonich
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-321: Boiling Water Reactor Vessel and Internals Project, Plan for Extension of the BWR Integrated Surveillance Program (ISP) Through the Second License Renewal (SLR), EPRI Technical Report 3002013097

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 a means of exchanging technical information with 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) 595-2630. Questions on the content of the Report should be directed to Andy McGehee of EPRI at (704) 502-6440.

Sincerely,

A handwritten signature in black ink, appearing to read "A. McGehee", is written over a light blue horizontal line.

Attachment(s)

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AFFIDAVIT

RE: Request for Withholding of the Following Proprietary Document:

“BWRVIP-321: Boiling Water Reactor Vessel and Internals Project, Plan for Extension of the BWR Integrated Surveillance Program (ISP) Through the Second License Renewal (SLR)”, EPRI Technical Report 3002013097

I, Steven Swilley, being duly sworn, depose and state as follows:

I am the Senior Director and Deputy 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 Proprietary Information is identified in the above referenced report with highlighted yellow shading. The pages with the proprietary information are also marked with the letters “TS” in the page footer indicating that information is considered trade secrets in accordance with 10 CFR 2.390.

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."

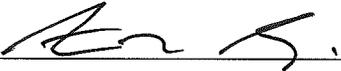
d. The Report and the Proprietary Information contained therein are not generally known or available to the public. EPRI developed the Report only after making a determination that the Proprietary Information was not available from public sources. EPRI made a substantial investment of both money and 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 California.

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

Date: March 8, 2019



Steven Swilley

(State of North Carolina)
(County of Mecklenburg)

Subscribed and sworn to (or affirmed) before me on this 8th day of March, 2019, by Steven Swilley, 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 2nd day of April, 2021

