UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

October 7, 2019

Mr. Tim Hanley, Chairman
ATTN: Debbie Rouse
BWR Vessel and Internals Project
1300 West W.T. Harris Blvd. (Building 1)
Charlotte, NC 28262

SUBJECT: ACCEPTANCE REVIEW AND PROPRIETARY DETERMINATION OF ELECTRIC POWER RESEARCH INSTITUTE TOPICAL REPORT BWRVIP-329, "BWR VESSEL AND INTERNALS PROJECT, UPDATED PROBABILISTIC FRACTURE MECHANICS ANALYSES FOR BWR RPV WELDS TO ADDRESS EXTENDED OPERATIONS" REVISED RESPONSE (EPID L-2019-TOP-0032)

Dear Mr. Hanley:

By letter dated August 22, 2019 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML19238A075), the Electric Power Research Institute (EPRI) submitted BWRVIP-329, "BWR [Boiling Water Reactor] Vessel and Internals Project, Updated Probabilistic Fracture Mechanics Analyses for BWR RPV [Reactor Pressure Vessel] Welds to Address Extended Operations." Also submitted was a second letter and affidavit by Neil Wilmhurst, Vice President and Chief Nuclear Officer both dated August 21, 2019. The letter and affidavit requested that the information contained in BWR Vessel and Internals Project BWRVIP-329 be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations*, Part 2, Section 2.390 (10 CFR 2.930).

A nonproprietary copy of the BWRVIP-329 is available at ADAMS Accession No. ML19238A076. It should be noted that EPRI consistently states on the cover of its nonproprietary reports that they may contain Export Control Information (ECI).

The inclusion of this statement on the cover of a nonproprietary report results in the report not being made public even though it is nonproprietary. Not releasing nonproprietary reports because of markings that are generic but not accurate results in stakeholders not having access to information. This defeats the purpose of having a nonproprietary version of a document.

It also undercuts the U.S. Nuclear Regulatory Commission (NRC) objectives of providing complete and timely access to information. Plus, the costs to EPRI in preparing a nonproprietary version of a topical report (TR) is wasted because the report cannot be made public with the ECI statement. EPRI needs to provide nonproprietary copies of TRs without any discussion of ECI. If ECI does exist in a report then it should clearly and accurately state ECI.

The NRC staff has performed an acceptance review of the BWRVIP-329. We have found that the material presented is sufficient to begin our review. The NRC staff expects to issue its request for additional information by May 12, 2020, and issue its draft safety evaluation by March 8, 2021. This schedule information takes into consideration the NRC's current review priorities and available technical resources and may be subject to change. If modifications to these dates are deemed necessary, we will provide appropriate updates to this information.

The NRC staff estimates that the review will require approximately 400 hours, including project management and contractor effort. This estimate of hours includes the hours already expended on completing this acceptance review.

Section 170.21 of 10 CFR requires that TRs are subject to fees based on the full cost of the review. A fee waiver was granted by the Chief Financial Officer on April 1, 2019 (ADAMS Accession No. ML19241A193).

EPRI detailed the reasons for withholding the proprietary information in the affidavit.

The NRC staff has reviewed your application and the statements in your affidavit, as well as the material, in accordance with the requirements of 10 CFR 2.390, and has determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the version(s) of the submitted information marked as proprietary will be withheld from public disclosure under 10 CFR 2.390(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, the agency may send copies of this information to its consultants working in this area. The NRC staff will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information. If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC staff.

You also should understand that the NRC staff may have cause to review this determination in the future (for example, if the scope of a Freedom of Information Act request includes your information). In all review situations, if the NRC staff makes an adverse determination to the above, you will be notified in advance of any public disclosure.

If you have any questions regarding this matter, I can be reached at 301-415-7297 or via electronic mail at Joseph.Holonich@nrc.gov.

Sincerely,

/RA/

Dennis C. Morey, Chief
Licensing Processes Branch
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Docket No. 99902016

SUBJECT: ACCEPTANCE REVIEW AND PROPRIETARY DETERMINATION OF ELECTRIC POWER RESEARCH INSTITUTE TOPICAL REPORT BWRVIP-329, "BWR [BOILING WATER REACTOR] VESSEL AND INTERNALS PROJECT, UPDATED PROBABILISTIC FRACTURE MECHANICS ANALYSES FOR BWR RPV [REACTOR PRESSURE VESSEL] WELDS TO ADDRESS EXTENDED OPERATIONS" REVISEDRESPONSE (EPID L-2019-TOP-0032) DATED OCTOBER 7, 2019

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ADAMS Accession No.: ML19240A026 *concurred via e-mail NRR-106

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NAME	JHolonich	DHarrison	DAlley
DATE	09/09/2019	09/13/2019	09/09/2019

OFFICE	NRR/DLP/PLPB/BC
NAME	DMorey
DATE	10/07/2019

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