

Lois James

From: Palm, Nathan <npalm@epri.com>
Sent: Monday, November 18, 2024 2:58 PM
To: Lois James; McGruder, Wynter; Rouse, Deborah
Cc: Gerond George; Demetrius Murray
Subject: [External_Sender] RE: RE: RE: BWRVIP 2024-047, BWRVIP Docket No. 99902016 – Transmittal of MRP-392 for information only

Hi Lois,

Unfortunately you did not miss it. Things are more complicated than I anticipated and I need to get buy-in on the mark-up from some people that have been traveling a lot. So, the short story is that we are still working to get it resubmitted with the appropriate markups.

Nathan

From: Lois James <Lois.James@nrc.gov>
Sent: Monday, November 18, 2024 11:39 AM
To: Palm, Nathan <npalm@epri.com>; McGruder, Wynter <WMcGruder@epri.com>; Palm, Nathan <npalm@epri.com>; Rouse, Deborah <drouse@epri.com>
Cc: Gerond George <Gerond.George@nrc.gov>; Demetrius Murray <Demetrius.Murray@nrc.gov>
Subject: [EXTERNAL] RE: RE: RE: BWRVIP 2024-047, BWRVIP Docket No. 99902016 – Transmittal of MRP-392 for information only
Importance: High

Nathan,

I am sorry if you have already completed this, but...

Did you resubmit the document? Or should we schedule an audit for the staff to review on a portal?

Lois

From: Lois James
Sent: Tuesday, October 22, 2024 2:17 PM
To: Palm, Nathan <npalm@epri.com>; McGruder, Wynter <WMcGruder@epri.com>; Palm, Nathan <npalm@epri.com>; Rouse, Deborah <drouse@epri.com>
Cc: Gerond George <Gerond.George@nrc.gov>; Demetrius Murray <Demetrius.Murray@nrc.gov>
Subject: RE: RE: RE: BWRVIP 2024-047, BWRVIP Docket No. 99902016 – Transmittal of MRP-392 for information only

Good afternoon,

In reading 10 CFR 2.390 and talking to other PMs and my BC, I think you need markings.

EPRI is making the case that MRP-392 should be withheld:

§ 2.390 Public inspections, exemptions, requests for withholding.

(a) ...final NRC records and documents, including but not limited to correspondence to and from the NRC regarding the issuance, denial, amendment, transfer, renewal, modification, suspension, revocation, or violation of a license, permit, order, or standard design approval,...subject to this part shall not, in the absence of an NRC determination of a compelling reason for nondisclosure...be exempt from disclosure and will be made available for inspection and copying at the NRC Web site...except for matters that are:

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

If we accept EPRI's premise for 10CFR2.390(a)(4), then 10CFR2.390(b) must apply (I added ***bold/italic emphasis***)

§ 2.390 Public inspections, exemptions, requests for withholding.

(b) ***The procedures in this section must be followed by anyone submitting a document to the NRC who seeks to have the document, or a portion of it, withheld from public disclosure because it contains trade secrets, privileged, or confidential commercial or financial information.***

(1) ***The submitter shall request withholding at the time the document is submitted and shall comply with the document marking and affidavit requirements set forth in this paragraph.*** The NRC has no obligation to review documents not so marked to determine whether they contain information eligible for withholding under paragraph (a) of this section. Any documents not so marked may be made available to the public at the NRC Web site, <http://www.nrc.gov> [nrc.gov] or at the NRC Public Document Room.

(i) The submitter shall ensure that the document containing information sought to be withheld is marked as follows:

(A) ***The first page of the document, and each successive page containing such information, must be marked so as to be readily visible, at the top, or by electronic watermark or other suitable marking on the body of the page, with language substantially similar to: "confidential information submitted under 10 CFR 2.390," "withhold from public disclosure under 10 CFR 2.390," or "proprietary," to indicate that it contains information the submitter seeks to have withheld.***

I noted that 10CFR2.390 does not contain the word proprietary and it applies to trade secrets, privileged, or confidential commercial or financial information.

So, I think EPRI needs to follow 10CFR2.390(b)(1)(i)(A) and make the document.

Respectfully,

Lois James

From: Palm, Nathan <npalm@epri.com>

Sent: Tuesday, October 22, 2024 8:18 AM

To: Lois James <Lois.James@nrc.gov>

Subject: [External_Sender] RE: RE: BWRVIP 2024-047, BWRVIP Docket No. 99902016 – Transmittal of MRP-392 for information only

So, are we ok without a marked up version? With it being copyright, I don't even know how we would do that.

Thanks

Nathan

From: Lois James <Lois.James@nrc.gov>

Sent: Tuesday, October 22, 2024 8:15 AM

To: Palm, Nathan <npalm@epri.com>

Subject: [EXTERNAL] RE: RE: BWRVIP 2024-047, BWRVIP Docket No. 99902016 – Transmittal of MRP-392 for information only

Ah thank you. I did not really thought about that.

From: Palm, Nathan <npalm@epri.com>

Sent: Tuesday, October 22, 2024 8:14 AM

To: Lois James <Lois.James@nrc.gov>; Rouse, Deborah <drouse@epri.com>

Cc: McGruder, Wynter <WMcGruder@epri.com>; Demetrius Murray <Demetrius.Murray@nrc.gov>; Gerond George <Gerond.George@nrc.gov>

Subject: [External_Sender] RE: BWRVIP 2024-047, BWRVIP Docket No. 99902016 – Transmittal of MRP-392 for information only

Good Morning Lois,

I see the issues you are referring to in the report. I'll work with Debbie to see what can be done. I suspect it might be an issue with submittal through EIE because our original file does not look that way.

Regarding the prop markings, as stated in the letter and affidavit, the request for withholding for this report is on the basis of it being copyright, not proprietary. I was of the understanding that you and Wynter had discussed this approach and a marked up version was not needed. Please let me know if our understanding was incorrect.

Regards,

Nathan

From: Lois James <Lois.James@nrc.gov>

Sent: Tuesday, October 22, 2024 6:55 AM

To: Rouse, Deborah <drouse@epri.com>

Cc: McGruder, Wynter <WMcGruder@epri.com>; Palm, Nathan <npalm@epri.com>; Demetrius Murray <Demetrius.Murray@nrc.gov>; Gerond George <Gerond.George@nrc.gov>

Subject: [EXTERNAL] RE: BWRVIP 2024-047, BWRVIP Docket No. 99902016 – Transmittal of MRP-392 for information only

Good morning, Deborah.

Thank you for letting me know the document was submitted.

Unfortunately, the document is no legible. I will place a copy in the NRC Box and share with you all.

In addition, I did not notice any prop markings on the document. So I am not sure if I can process the withholding request if the markings do not meet 10CFR2.390

Can you help me?

Lois

From: Rouse, Deborah <drouse@epri.com>

Sent: Monday, October 21, 2024 4:46 PM

To: Lois James <Lois.James@nrc.gov>

Cc: McGruder, Wynter <WMcGruder@epri.com>; Palm, Nathan <npalm@epri.com>; Rouse, Deborah <drouse@epri.com>

Subject: [External_Sender] BWRVIP 2024-047, BWRVIP Docket No. 99902016 – Transmittal of MRP-392 for information only

Dear Ms. James,

The purpose of this message is to inform you that the subject letter BWRVIP 2024-047, BWRVIP Docket No. 99902016 – Transmittal of MRP-392: Materials Reliability Program: Zorita Internals Research Project: Radiation and Temperature Analysis of Zorita Baffle Plate and Core Barrel Weld Material for information only, is being transmitted to you via email.

The subject letter along with the affidavit and the report have been sent to the NRC via EIE with NRC Submission ID # 46750 on 10/21/2024 (ML24295A212, ML24295A214, ML24295A221).

If you have any questions regarding this subject, please contact Wynter McGruder at EPRI by telephone at 704.957-9235 or by e-mail at wmcgruder@epri.com.

Thank you.

Debbie Rouse
BWRVIP, Technical Assistant



1300 West WT Harris Blvd. | Charlotte, NC 28262

Email: drouse@epri.com

Phone: 704-704-2520

Together . . . Shaping the Future of Energy

File: $\alpha\beta\pi\Omega$

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