

# BWR OWNERS' GROUP

Frederick P. "Ted" Schiffley, II  
BWROG Chairman  
Tel: (630) 657-3897  
Fax: (630) 657-4328  
frederick.schiffley@exeloncorp.com

---

c/o GE Hitachi Nuclear Energy, P.O. Box 780, 3901 Castle Hayne Road, M/C A-70, Wilmington, NC 28402 USA

BWROG-12034  
July 18, 2012

Project No. 691

To: Robert J. Fretz, Senior Project Manager  
Project Management Branch  
Japan Lessons Learned Project Directorate  
Office of Nuclear Reactor Regulation  
Nuclear Regulatory Commission (NRC)

SUBJECT: BWROG Revised Venting Strategy

Reference: Letter dated September 12, 1988, from Ashok Thadani to Donald Grace, titled "Safety Evaluation of 'BWR Owners' Group - Emergency Procedure Guidelines, Revision 4,' (NEDO-31331, March 1987)"

The BWR Owners' Group (BWROG) Emergency Procedures Committee has recently approved changes to the BWROG Emergency Procedure and Severe Accident Guidelines (EPGs/SAGs) to enhance guidance for responding to extended station blackout events. The changes of interest provide more explicit definition of appropriate containment venting actions. This letter is being submitted at the NRC staff's request to review these changes. The BWROG believes that these changes are important enhancements to current primary containment pressure control guidance, learned from the events at the Fukushima reactors.

A primary objective of the enhancements to the EPG/SAG venting guidance is to maintain adequate core cooling and to prevent core damage during an extended station blackout. During the design coping period of a station blackout, adequate core cooling is maintained by operation of permanently installed steam driven pumps or isolation condensers. During an extended station blackout, primary containment heat up may challenge the availability of steam driven pumps as suppression pool temperature rises. Reducing containment pressure may then be necessary to remove decay heat and permit reactor depressurization through the use of safety relief valves. After reactor pressure is lowered, low pressure portable pumps would be able to inject water into the reactor and maintain adequate core cooling. The enhanced EPG/SAG containment venting guidance more clearly defines the circumstances under which it may be appropriate to evaluate the need for venting.

The BWROG believes that the proposed changes to the EPG/SAGs are consistent with the staff's original philosophy on venting, as stated in the referenced safety evaluation. The attachments to this letter provide a detailed explanation of both the revisions to the EPG/SAGs and a point-by-point review of these changes to the safety evaluation sections on venting.

The BWROG is requesting that the staff review the attached evaluations and communicate whether the proposed changes are in keeping with the staff's overall philosophy on containment venting, as provided in the referenced letter. As BWR licensees are waiting to implement these changes, a timely response would be greatly appreciated.

D044

BWROG-12034

July 18, 2012

Page 2

Attachment 3 contains an affidavit requesting withholding of Attachments 1 and 2 from public disclosure. The affidavit states that information in Attachments 1 and 2 have been handled and classified as proprietary to the BWROG. The BWROG hereby requests that Attachments 1 and 2 be withheld from public disclosure in accordance with the provisions of 10 CFR 2.390 and 9.17.

If you have questions on this matter, please contact Rob Whelan, BWROG Fukushima Response Committee Project Manager, at (910) 200-1006. Thank you.

A handwritten signature in black ink, appearing to read 'F. Schiffley II', with a long horizontal line extending to the right.

Frederick P. "Ted" Schiffley, II  
Chairman  
BWR Owners' Group

cc: C.J. Nichols, BWROG Program Manager  
BWROG Primary Representatives

Attachments:

1. Enhancements to BWROG EPG/SAG Primary Containment Venting Strategies
2. Review of EPG Revision 4 Safety Evaluation Report Primary Containment Venting Evaluations
3. Affidavit

### **Attachment 3**

#### **Boiling Water Reactor Owners' Group (BWROG)**

#### **AFFIDAVIT**

**I, Frederick P. "Ted" Schiffley, II, state as follows:**

- (1) As the elected Chairman of the BWR Owners' Group (BWROG), I have been delegated the function of reviewing the information described in paragraph (2) which is sought to be withheld, and have been authorized to apply for its withholding. This action is taken on behalf of the Utility Members that financially participated (reference table below) in development (hereinafter referred to as "BWROG"):

Constellation Energy Nuclear Group - NMP  
Detroit Edison Company - Fermi  
Energy Northwest - CGS  
Entergy Nuclear Northeast - FitzPatrick  
Entergy Nuclear Northeast - Pilgrim  
Entergy Operations, Inc. - RB/GG  
Entergy Nuclear Northeast - VY  
Exelon/AmerGen Energy - Clinton  
Exelon Nuclear - Dres/QC/LS  
Exelon Nuclear - Limerick/Peach Bottom  
Exelon/AmerGen Energy - Oyster Creek  
FirstEnergy Corporation - Perry  
Nebraska Public Power District - Cooper  
NextERA Energy - DAEC  
PPL Susquehanna LLC - Susquehanna  
Progress Energy Carolinas - Brunswick  
PSEG Nuclear - Hope Creek  
Southern Nuclear Operating Company, Inc. - Hatch  
Tennessee Valley Authority - Browns Ferry  
Xcel Energy - Monticello

- (2) The information sought to be withheld is contained in Attachments 1 and 2 of the letter BWROG-12034, Frederick P. Schiffley, II, BWR Owners' Group Chairman, to the U.S. Nuclear Regulatory Commission, Document Control Desk (DCD), "BWROG Revised Venting Strategy," dated July 18, 2012.
- (3) In making this application for withholding of proprietary information of which it is the owner or licensee, BWROG relies upon the exemption from disclosure set forth in the Freedom of Information Act (FOIA), 5 USC Sec. 552(b)(4), and the Trade Secrets Act, 18 USC Sec. 1905, and NRC regulations 10 CFR 9.17(a)(4), and 2.390(a)(4) for trade secrets (Exemption 4). The material for which exemption from

disclosure is here sought also qualifies under the narrower definition of trade secret, within the meanings assigned to those terms for purposes of FOIA Exemption 4 in, respectively, Critical Mass Energy Project v. Nuclear Regulatory Commission, 975 F2d 871 (DC Cir. 1992), and Public Citizen Health Research Group v. FDA, 704 F2d 1280 (DC Cir. 1983).

- (4) The information sought to be withheld is considered to be proprietary for the reasons set forth in paragraphs (4)a. and (4)b. Some examples of categories of information that fit into the definition of proprietary information are:
  - a. Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by BWROG's competitors without license from BWROG constitutes a competitive economic advantage over BWROG and/or other companies.
  - b. Information that, if used by a competitor, would reduce their expenditure of resources or improve their competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product.
  - c. Information that reveals aspects of past, present, or future BWROG customer-funded development plans and programs, that may include potential products of BWROG.
  - d. Information that discloses trade secret and/or potentially patentable subject matter for which it may be desirable to obtain patent protection.
- (5) To address 10 CFR 2.390(b)(4), the information sought to be withheld is being submitted to the NRC in confidence. The information is of a sort customarily held in confidence by BWROG, and is in fact so held. The information sought to be withheld has, to the best of my knowledge and belief, consistently been held in confidence by BWROG, not been disclosed publicly, and not been made available in public sources. All disclosures to third parties, including any required transmittals to the NRC, have been made, or must be made, pursuant to regulatory provisions or proprietary and/or confidentiality agreements that provide for maintaining the information in confidence. The initial designation of this information as proprietary information, and the subsequent steps taken to prevent its unauthorized disclosure are as set forth in the following paragraphs (6) and (7).
- (6) Initial approval of proprietary treatment of a document is made by the manager of the originating component, who is the person most likely to be acquainted with the value and sensitivity of the information in relation to industry knowledge, or who is the person most likely to be subject to the terms under which it was licensed to BWROG. Access to such documents within BWROG is limited to a "need to know" basis.
- (7) The procedure for approval of external release of such a document typically requires review by the staff manager, project manager, principal scientist, or other equivalent authority for technical content, competitive effect, and determination of the accuracy of the proprietary designation. Disclosures outside BWROG are

limited to regulatory bodies, customers, and potential customers, and their agents, suppliers, and licensees, and others with a legitimate need for the information, and then only in accordance with appropriate regulatory provisions or proprietary and/or confidentiality agreements.

- (8) The information identified in paragraph (2), above, is classified as proprietary because it contains detailed methods, results, and conclusions regarding emergency procedures guidelines to be implemented at BWR facilities.
- (9) Public disclosure of the information sought to be withheld is likely to cause substantial harm to BWROG's competitive position and foreclose or reduce the availability of profit-making opportunities. The information is part of BWROG comprehensive BWR safety and technology base, and its commercial value extends beyond the original development cost.

The value of this information to BWROG would be lost if the information were disclosed to the public. Making such information available to competitors without their having been required to undertake a similar expenditure of resources would unfairly provide competitors with a windfall, and deprive BWROG of the opportunity to exercise its competitive advantage to seek an adequate return on its large investment.

I declare under penalty of perjury that the foregoing affidavit and the matters stated therein are true and correct to the best of my knowledge, information, and belief.

Executed on this 18<sup>th</sup> day of July 2012.

A handwritten signature in black ink, appearing to read 'Frederick P. Schiffley, II', with a stylized flourish at the end.

Frederick P. "Ted" Schiffley, II  
Chairman  
BWR Owners' Group