



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

January 15, 2020

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

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION VERIFICATION LETTER AND  
PROPRIETARY DETERMINATION FOR "BWRVIP-41, REVISION 4-A: BWR  
VESSEL AND INTERNALS PROJECT, BWR JET PUMP ASSEMBLY  
INSPECTION AND FLAW EVALUATION GUIDELINES"  
(EPID L-2019-TOP-0043)

Dear Mr. Hanley:

By letter dated October 22, 2019 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML19297G503), the Boiling Water Reactor (BWR) Vessel and Internals Project (BWRVIP) submitted for the U.S. Nuclear Regulatory Commission (NRC) staff review the -A version of the licensing topical report (LTR), "BWRVIP-41, Revision 4-A: BWR Vessel and Internals Project, BWR Jet Pump Assembly Inspection and Flaw Evaluation Guidelines." Enclosed with the October 22, 2019, letter, was a letter (ADAMS Accession No. ML19297G506) and affidavit executed by Steven Swilley, Senior Director and Deputy Chief Nuclear Officer both dated October 22, 2019. The affidavit requested that the information contained in BWRVIP-41, Revision 4-A be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390.

A nonproprietary copy of the LTR (ADAMS Accession No. ML19297G509) has been placed in added to the NRC Library in ADAMS. It should be noted that the BWRVIP 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 inaccurate results in stakeholders not having access to information. This defeats the purpose of having a nonproprietary version of a document which is to provide complete and timely access to information. 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 -A version of the LTRs incorporate the NRC staff's safety evaluation, and Appendix J detailing the changes made to BWRVIP-41, Revision 4-A. Based on its review of BWRVIP-41, Revision 4-A, the NRC staff has determined that the LTR is acceptable to the extent delineated in the NRC staff's original approval letter dated June 26, 2018 (ADAMS Accession No. ML18130A050).

With respect to the request for withholding the information in the proprietary version of the LTR, the BWRVIP detailed the reasons in its affidavit.

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

Therefore, the version 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 makes an adverse determination to the above, you will be notified in advance of any public disclosure.

If you have any questions or require any additional information, please feel free to contact the Project Manager for this topical report, Joseph Holonich, at 301-415-7297 or [joseph.holonich@nrc.gov](mailto:joseph.holonich@nrc.gov).

Sincerely,

/RA/

Dennis C. Morey, Chief  
Licensing Processes Branch  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket No. 99902016

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**ADAMS Accession No.: ML19296A011;****\*concurred via e-mail**

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<b>DATE</b>	1/15/20		

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