



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

February 3, 1997

Carl Terry, BWRVIP Vice-Chairman  
Niagara Mohawk Power Company  
Post Office Box 63  
Lycoming, NY 13093

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE

Dear Mr. Terry,

You have recently submitted several proprietary reports, and their nonproprietary versions, for NRC staff review. Specifically, you submitted BWR Vessel and Internals Project (BWRVIP) reports BWRVIP-17, BWRVIP-18, BWRVIP-19, BWRVIP-25, BWRVIP-26 and BWRVIP-28, as summarized below.

By your application dated November 27, 1996, you submitted for NRC staff review the Electric Power Research Institute (EPRI) proprietary report, "BWR Vessel and Internals Project, Roll/Expansion of Control Rod Drive and In-Core Instrument Penetrations in BWR Vessels (BWRVIP-17)," EPRI Report TR-106712, and the nonproprietary version. The BWRVIP-17 report contains a description of the roll/expansion process for repair of leaking control rod drive and in-core instrument penetrations, includes a discussion of the technical basis and requirements for a successful repair, and identifies plant-specific requirements for repair implementation.

By your application dated July 26, 1996, you submitted for NRC staff review the EPRI proprietary report, "BWR Vessel and Internals Project, BWR Core Spray Internals Inspection and Flaw Evaluation Guidelines (BWRVIP-18)," EPRI Report TR-106740. The BWRVIP-18 report contains generic guidelines that describe locations on the core spray internals for which inspection is needed, categories of plants for which inspection need would differ, the extent of inspection and reinspection for each location, and flaw evaluation procedures to determine allowable flaw sizes. You submitted the nonproprietary version of the document on December 20, 1996. By letter dated December 20, 1996, you supplemented your BWRVIP-18 submittal with "Appendix C, BWR Core Spray Internals Demonstration of Compliance with the Technical Information Requirements of the License Renewal Rule (10 CFR 54.21)." This document was submitted for the purpose of supporting generic regulatory improvements related to demonstrating compliance with license renewal information requirements. No nonproprietary version of the document was submitted.

By your application dated September 16, 1996, you submitted for NRC staff review the EPRI proprietary report, "BWR Vessel and Internals Project, Internal Core Spray Piping and Sparger Repair Design Criteria (BWRVIP-19)," EPRI Report TR-106893, and the nonproprietary version. The BWRVIP-19 report provides the general design acceptance criteria for temporary and permanent repair of internal core spray piping and spargers.

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By your application dated December 27, 1996, you submitted for NRC staff review the EPRI proprietary report, "BWR Vessel and Internals Project, Core Plate Inspection and Flaw Evaluation Guidelines (BWRVIP-25)," EPRI Report TR-107284, and the nonproprietary version. The BWRVIP-25 report contains generic guidelines that describe locations on the core plate for which inspection is needed, the extent of inspection and reinspection for each location, and flaw evaluation procedures (where applicable) to determine allowable flaw sizes.

By your application dated December 27, 1996, you submitted for NRC staff review the EPRI proprietary report, "BWR Vessel and Internals Project, Top Guide Inspection and Flaw Evaluation Guideline (BWRVIP-26)," EPRI Report TR-107285, and the nonproprietary version. The BWRVIP-26 report contains generic guidelines that describe locations on the top guide for which inspection is needed, the extent of inspection and reinspection for each location, and flaw evaluation procedures (where applicable) to determine allowable flaw sizes.

By your application dated December 23, 1996, you submitted for NRC staff review the EPRI proprietary report, "BWR Vessel and Internals Project, Assessment of BWR Jet pump Riser Elbow to Thermal Sleeve Weld Cracking (BWRVIP-28)," EPRI Report TR-107667, and the nonproprietary version. The BWRVIP-28 report describes an assessment of the implications of observed cracking in BWR jet pump riser elbow to thermal sleeve welds and identifies operating recommendations for owners of GE BWRs with jet pumps.

You requested that the above reports be withheld from public disclosure pursuant to 10 CFR 2.790, in accordance with the letters and attached affidavits from Mr. Arthur Kenney of EPRI dated, respectively, November 27, 1996 (BWRVIP-17), July 24, 1996 (BWRVIP-18), September 11, 1996 (BWRVIP-19), December 13, 1996 (BWRVIP-25), December 13, 1996 (BWRVIP-26), and December 19, 1996 (BWRVIP-28). Mr. Kenney stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- (i) The Report is not available in public sources. EPRI developed the Report only after making a determination that the Report was not available from public sources. It required a large expenditure of dollars for EPRI to develop the Report. In addition, EPRI was required to use a large amount of time of EPRI employees. The money spent, plus the value of EPRI's staff time in preparing the Report, show that the Report is highly valuable to EPRI. Finally the Report was developed only after a long period of effort of at least several months.
- (ii) A public disclosure of the Report would cause substantial harm to EPRI's competitive position and the ability of EPRI to license the Report both domestically and internationally. The Report can be properly acquired or duplicated by others only with an equivalent investment of time and effort.

We have reviewed your applications, attached affidavits and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your

statements, have determined that the submitted information sought to be withheld contains proprietary commercial information.

Therefore, the versions of the submitted information marked as proprietary will be withheld from the public disclosure pursuant to 10 CFR 2.790(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, we may send copies of this information to our consultants working in this area. We 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. You also should understand that the NRC 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 a determination adverse to the above, you will be notified in advance of any public disclosure.

Sincerely,

Original Signed By:

C. E. Carpenter, Jr., Lead Project Manager  
Materials and Chemical Engineering Branch  
Division of Engineering  
Office of Nuclear Reactor Regulation

cc: See next page  
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cc:

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George Jones, Executive Chairman  
BWRVIP Mitigation Task  
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Bill Campbell, Executive Chairman  
BWRVIP Repair Task  
Carolina Power and Light Company  
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Arthur Kenney,  
Intellectual Property Attorney  
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One Hanover Square 8C1  
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Raleigh, NC 27612

C. Terry

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