



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET SW SUITE 23T85
ATLANTA, GEORGIA 30303-8931**

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March 27, 2002

EA-01-318

Safeguards Information Removed

Virginia Electric and Power Company
ATTN: Mr. David A. Christian
Senior Vice President and
Chief Nuclear Officer
Innsbrook Technical Center
5000 Dominion Boulevard
Glen Allen, VA 23060

SUBJECT: SURRY NUCLEAR STATION - REPLY TO DENIAL OF NON-CITED
VIOLATION - NRC INSPECTION REPORT 50-280/01-08, 50-281/01-08;
AND REPLY TO CLAIM OF BACKFIT

Dear Mr. Christian:

Thank you for your response of December 13, 2001, to our Non-Cited Violation (NCV) issued on November 15, 2001, in NRC Inspection Report 50-280/01-08, 50-281/01-08. In your response, you stated your basis for disputing the violation and provided your views in support of your claim of a backfit.

We have reviewed your response in detail. An NRC backfit review panel considered your backfit claim. The backfit review panel was chaired by Mr. Loren Plisco, Director, Division of Reactor Projects, and included members from NRC Region II and from the Office of Nuclear Reactor Regulation (NRR). Given the relationship between the NCV denial and backfit claim, the panel also reviewed the response to your denial.

Your bases for disputing the violation and supporting your claim of a backfit are restated in the enclosure to this letter. After careful consideration of the bases for your denial of the violation, we have concluded, for the reasons presented in the enclosure, that the violation occurred as stated in the inspection report. In addition, it was determined that no backfit was involved. The basis for this conclusion is also presented in the enclosure. Should you wish to appeal this denial of your claim of a backfit, your appeal should be submitted in writing, within 30 days of the date of this letter, to the Director, Office of Nuclear Reactor Regulation. A copy of the appeal should also be sent to the Executive Director for Operations.

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In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter without the safeguards information will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room).

Should you have any questions concerning this letter, please contact Anne T. Boland at (404) 562-4653.

Sincerely,

/RA/

Luis A. Reyes
Regional Administrator

Docket Nos. 50-280, 50-281
License Nos. DPR-32, DPR-37

Enclosure: Evaluation and Conclusion
(**Contains Safeguards Information**)

See Attached Distribution

PUBLIC DOCUMENT (circle one): YES NO

***See Previous Concurrence**

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Document Name: A:\backfit-SURRY_revised.wpd

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cc w/encl:

Stephen P. Sarver, Director
Nuclear Licensing and
Operations Support
Virginia Electric & Power Company
6000 Dominion Boulevard
Glen Allen, VA 23060

Richard H. Blount, II
Site Vice President
Surry Power Station
Virginia Electric & Power Company
5570 Hog Island Road
Surry, VA 23883

cc w/o encl:

Virginia State Corporation Commission
Division of Energy Regulation
P. O. Box 1197
Richmond, VA 23209

Lillian M. Cuoco, Esq.
Senior Nuclear Counsel
Dominion Nuclear Connecticut, Inc.
Millstone Power Station
Building 475, 5th Floor
Rope Ferry Road
Rt. 156
Waterford, Connecticut 06385

Attorney General
Supreme Court Building
900 East Main Street
Richmond, VA 23219

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