

December 24, 2002

Mr. David A. Christian
Senior Vice President-Nuclear
Virginia Electric and Power Company
5000 Dominion Blvd.
Glen Allen, Virginia 23060

SUBJECT: SURRY POWER STATION, UNITS 1 AND 2 AND NORTH ANNA, UNITS 1 AND 2 - REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE (TAC NOS. MB5435, MB5436, MB5433 AND MB5434)

Dear Mr. Christian:

By your application dated June 13, 2002, as supplemented November 25, 2002, and affidavit executed by Leslie N. Hartz dated June 13, 2002, you submitted proprietary documents entitled, "Virginia Electric and Power Company Request for Approval of Topical Report DOM-NAF-1-Qualification of the Studsvik Core Management System Reactor Physics Methods for Application to North Anna and Surry Power Stations," and "Virginia Electric and Power Company Request for Additional Information Topical Report DOM-NAF-1 - Qualification of the Studsvik Core Management System Reactor Physics Methods for Application to North Anna and Surry Power Stations," respectively, and requested that they be withheld from public disclosure pursuant to 10 CFR 2.790. A nonproprietary copy of each document has been placed in the NRC public document room and added to the Agencywide Documents Access and Management Systems Publicly Available Records System Library.

The affidavit, which the licensee requested be applied to both submittals, stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

1. This information is and has been held in confidence by Virginia Electric and Power Company (Dominion).
2. This information is of a type that is held in confidence by Dominion, and there is a rational basis for doing so because the information contains sensitive commercial information concerning Dominion's reactor physics and analysis methodology.
3. This information is being transmitted to the NRC in confidence.
4. This information is not available in public sources and could not be gathered readily from other publicly available information.
5. Public disclosure of this information would create substantial harm to the competitive position of Dominion by disclosing confidential Dominion internal reactor physics analysis methodology information to other parties whose commercial interests may be adverse to those of Dominion. Furthermore,

Dominion has expended significant engineering resources in the development of the information. Therefore, the use of this confidential information by competitors would permit them to use the information developed by Dominion without the expenditure of similar resources, thus giving them a competitive advantage.

We have reviewed your application and supplement, and the material contained therein, and 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 and should be withheld from public disclosure.

Therefore, we have determined that the documents entitled, "Virginia Electric and Power Company Request for Approval of Topical Report DOM-NAF-1 - Qualification of the Studsvik Core Management System Reactor Physics Methods for Application to North Anna and Surry Power Stations," and "Virginia Electric and Power Company Request for Additional Information Topical Report DOM-NAF-1 - Qualification of the Studsvik Core Management System Reactor Physics Methods for Application to North Anna and Surry Power Stations" marked as proprietary will be withheld from 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.

If you have any questions regarding this matter, contact either Christopher Gratton at (301) 415-1055 or Stephen Monarque at (301) 415-1544.

Sincerely,

/RA/

Christopher Gratton, Sr. Project Manager
Project Directorate II-1
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-280 and 50-281
50-338 and 50-339

cc: See next page

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SMonarque

Accession No. ML023580154

*See previous concurrence

OFFICE	PDII-1/PM	PDII-2/LA	OGC*	PDII-1/SC
NAME	CGratton	EDunnington	RBaum for MPSiemien	JNakoski
DATE	12/20/02	12/20/02	12/19/02	12/23/02

Mr. David A. Christian
Virginia Electric and Power Company

Surry Power Station

cc:

Ms. 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

Office of the Attorney General
Commonwealth of Virginia
900 East Main Street
Richmond, Virginia 23219

Mr. Richard H. Blount, II
Site Vice President
Surry Power Station
Virginia Electric and Power Company
5570 Hog Island Road
Surry, Virginia 23883-0315

Mr. Stephen P. Sarver, Director
Nuclear Licensing & Operations Support
Innsbrook Technical Center
Virginia Electric and Power Company
5000 Dominion Blvd.
Glen Allen, Virginia 23060-6711

Senior Resident Inspector
Surry Power Station
U. S. Nuclear Regulatory Commission
5850 Hog Island Road
Surry, Virginia 23883

Mr. David A. Heacock
Site Vice President
North Anna Power Station
Virginia Electric and Power Company
P. O. Box 402
Mineral, Virginia 23117-0402

Chairman
Board of Supervisors of Surry County
Surry County Courthouse
Surry, Virginia 23683

Mr. William R. Matthews
Vice President - Nuclear Operations
Virginia Electric and Power Company
Innsbrook Technical Center
5000 Dominion Boulevard
Glen Allen, Virginia 23060-6711

Dr. W. T. Lough
Virginia State Corporation
Commission
Division of Energy Regulation
P. O. Box 1197
Richmond, Virginia 23209

Robert B. Strobe, M.D., M.P.H.
State Health Commissioner
Office of the Commissioner
Virginia Department of Health
P.O. Box 2448
Richmond, Virginia 23218

Mr. David A. Christian
Virginia Electric and Power Company

North Anna Power Station
Units 1 and 2

cc:

Mr. C. Lee Lintecum
County Administrator
Louisa County
P. O. Box 160
Louisa, Virginia 23093

Mr. David A. Heacock
Site Vice President
North Anna Power Station
P. O. Box 402
Mineral Virginia 23117-0402

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

Mr. Richard H. Blount, II
Site Vice President
Surry Power Station
Virginia Electric and Power Company
5570 Hog Island Road
Surry, Virginia 23883-0315

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Virginia State Corporation
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P. O. Box 1197
Richmond, Virginia 23209

Mr. Robert B. Strobe, M.D., M.P.H.
State Health Commissioner
Office of the Commissioner
Virginia Department of Health
P. O. Box 2448
Richmond, Virginia 23218

Old Dominion Electric Cooperative
4201 Dominion Blvd.
Glen Allen, Virginia 23060

Mr. William R. Matthews
Vice President- Nuclear Operations
Virginia Electric and Power Company
Innsbrook Technical Center
5000 Dominion Boulevard
Glen Allen, Virginia 23060-6711

Mr. Stephen P. Sarver, Director
Nuclear Licensing & Operations Support
Virginia Electric Power Company
Innsbrook Technical Center
5500 Dominion Blvd.
Glen Allen, Virginia 23060-6711

Office of the Attorney General
Commonwealth of Virginia
900 East Main Street
Richmond, Virginia 23219

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North Anna Power Station
U. S. Nuclear Regulatory Commission
1024 Haley Drive
Mineral, Virginia 23117