

October 1, 2004

Mr. Eugene S. Grecheck
Vice President - Nuclear Support Services
Dominion Nuclear North Anna LLC
5000 Dominion Blvd
Glen Allen, VA 23060

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
FOR AUGUST 10, 2004, RESPONSE TO REQUEST FOR ADDITIONAL
INFORMATION (RAI)

Dear Mr. Grecheck:

By letter dated August 10, 2004, and associated affidavits executed on August 5, 2004, by Stephen D. Routh of Bechtel Power Corporation (Bechtel), you indicated that information on the following subjects contained in the response to three RAIs should be withheld from public disclosure: (1) quality assurance program documents, (2) bearing capacity and settlement analysis, and (3) tornado frequency calculations. You requested that this information be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations*, Section 2.390 (10 CFR 2.390).

Nonproprietary copies of these documents have been placed in the Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room (ADAMS Accession Nos. ML042290089, ML042290094, ML042290099, and ML042290102).

The affidavits stated that the submitted information is not available in public sources or has not been previously employed in the same original manner or method, and that the information is being transmitted to the Commission in confidence. They further state that the information referenced should be considered exempt from mandatory public disclosure for the following reasons:

- (1) Public disclosure of the bearing capacity and settlement analysis is likely to cause substantial harm to the competitive position of Bechtel because it would enhance the ability of competitors to perform similar calculations and licensing services for commercial power reactors without commensurate expenses. Also, public disclosure of the information would enable others to use the information to meet NRC requirements for licensing documentation without purchasing the right to use the information.
- (2) Public disclosure of Bechtel's Quality Assurance Program Plan is likely to cause substantial harm to the competitive position of Bechtel because it would enhance the ability of competitors to establish quality programs to perform similar activities for commercial power reactors without commensurate expenses. Also, public disclosure of the information would enable others to use the information to meet NRC requirements for quality assurance and licensing documentation without purchasing the right to use the information.

- (3) Public disclosure of Bechtel's Nuclear Quality Assurance Manual information is likely to cause substantial harm to the competitive position of Bechtel because it would enhance the ability of competitors to establish quality programs to perform similar activities for commercial power reactors without commensurate expenses. Also, public disclosure of the information would enable others to use the information to meet NRC requirements for quality assurance and licensing documentation without purchasing the right to use the information.
- (4) Public disclosure of the tornado frequency analysis is likely to cause substantial harm to the competitive position of Bechtel because it would enhance the ability of competitors to perform similar calculations and licensing services for commercial power reactors without commensurate expenses. Also, public disclosure of the information would enable others to use the information to meet NRC requirements for licensing documentation without purchasing the right to use the information.

We have reviewed your letter and affidavit in accordance with the requirements of 10 CFR 2.390 and, on the basis of your statements, have determined that (with one exception discussed in the following paragraph) the information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

We have noted that Bechtel has proposed withholding Attachments 1 and 2 to Bechtel Calculation 24830-ENV-008. However, these attachments are NRC letters that are already available to the public. These letters do not in our judgment contain proprietary information. They can not and will not be withheld from public disclosure, so the request to withhold these letters from public disclosure is denied.

Therefore, with the exception noted, the version of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) and Section 103b of the Atomic Energy Act of 1954, as amended. Because the NRC letters are available to the public regardless of their inclusion in the Bechtel proprietary document, you do not need to resubmit your request for withholding.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the document. 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 should also 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.

E. Grecheck

-3-

If you have any questions regarding this matter, I may be reached at 301-415-1421.

Sincerely,

/RA/

Michael L. Scott, Senior Project Manager
New Reactors Section
New, Research and Test Reactors Program
Division of Regulatory Improvement Program
Office of Nuclear Reactor Regulation

Docket No. 52-008

cc: See next page

E. Grecheck

-3-

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Docket No. 52-008

cc: See next page

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ACCESSION NUMBER: ML042390205

* See previous concurrence

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