



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

August 4, 2009

Mr. David A. Heacock
President and Chief Nuclear Officer
Virginia Electric and Power Company
Innsbrook Technical Center
5000 Dominion Boulevard
Glen Allen, VA 23060-6711

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
FOR SURRY POWER STATION, UNIT NO. 1 (TAC NO ME1911)

Dear Mr. Heacock:

By letter dated May 6, 2009, Virginia Electric and Power Company (Dominion) submitted an affidavit dated May 6, 2009, executed by Mr. R. M. Span, Regulatory Compliance and Plant Licensing, Westinghouse Electric Company LLC, and requested that the information contained in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

Surry Unit 1: Support for Emergency Technical Specification Amendment to Address Permeability Variation Signals at Tube Ends

A nonproprietary copy of the above document (Attachment 2 of the letter dated May 6, 2009) has been placed in the Nuclear Regulatory Commission's (NRC) Public Document Room and added to the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room. It can be found at ADAMS Accession No. ML092120202.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- (a) The information reveals the distinguishing aspects of a process (or component, structure, tool, method, etc.) where prevention of its use by any of Westinghouse's competitors without license from Westinghouse constitutes a competitive economic advantage over other companies.
- (b) It consists of supporting data, including test data, relative to a process (or component, structure, tool, method, etc.), the application of which data secures a competitive economic advantage, e.g., by optimization or improved marketability.
- (c) Its use by a competitor would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing a similar product.
- (d) It reveals cost or price information, production capacities, budget levels, or commercial strategies of Westinghouse, its customers or suppliers.
- (e) It reveals aspects of past, present, or future Westinghouse or customer funded development plans and programs of potential commercial value to Westinghouse.
- (f) It contains patentable ideas, for which patent protection may be desirable.

D. Heacock

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The NRC has reviewed the application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavit, have determined that the submitted information sought to be withheld 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 pursuant to 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 NRC may send copies of this information to our consultants working in this area. The NRC 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, Dominion should promptly notify the NRC. Dominion 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 this information. In all review situations, if the NRC makes a determination adverse to the above, Dominion will be notified in advance of any public disclosure.

If you have any questions regarding this matter, I may be reached at 301-415-1438.

Sincerely,



Karen Cotton, Project Manager
Plant Licensing Branch II-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-280

cc: Mr. R. M. Span
Regulatory Compliance and Plant Licensing
Westinghouse Electric Company
P.O. Box 355
Pittsburgh, PA 15230-0355

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D. Heacock

- 2 -

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/RA/

Karen Cotton, Project Manager
Plant Licensing Branch II-1
Division of Operating Reactor Licensing
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