

**Enclosure 4**

**AFFIDAVIT OF ELECTRIC POWER RESEARCH INSTITUTE, INC.  
AND AREVA**

**VIRGINIA ELECTRIC AND POWER COMPANY  
NORTH ANNA POWER STATION UNITS 1 AND 2**

**KENNETH CANAVAN**  
Director, Plant Technology

December 13, 2016

Mr. Michael S. Lico  
Dominion Resources, Inc.  
Innsbrook Technical Center  
5000 Dominion Blvd.  
Glen Allen, VA 23060-3308

**Subject:** Request for Withholding of the following EPRI and AREVA Proprietary Data Extracted from the Following EPRI "Restricted" Technical Report:

EPRI Report 1018642 "Post-Irradiation Examination of AREVA M5 Guide Tubes and Fuel Rods Irradiated in North Anna 1 and 2" (March 2009).

Mr. Lico:

This letter from the Electric Power Research Institute ("EPRI") serves as permission for Dominion Resources, Inc. ("Dominion") to include EPRI and AREVA, Inc. ("AREVA") Intellectual property and proprietary information in a Licensing Amendment Request (LAR) for the specific purpose of updating the North Anna spent fuel pool criticality analysis.

Additionally, this is a request under 10 C.F.R. §2.390(a)(4) that Dominion and the U.S. Nuclear Regulatory Commission ("NRC") withhold from public disclosure the information identified in the enclosed Affidavit consisting of the proprietary information owned/held by EPRI and AREVA identified above (the "Report").

EPRI and AREVA desire to disclose the report in confidence at the request of Dominion. The information and data extracted from the Report is not to be divulged to anyone outside of the NRC or to any of its contractors, nor shall any copies be made of the information and data provided herein. EPRI welcomes any discussions and/or questions relating to the information enclosed.

If you have any questions about the legal aspects of this request for withholding, please do not hesitate to contact me at (704) 595-2731. Questions on the identified information and data extracted from the Report should be directed to Rob Daum of EPRI at (704) 595-2779.

Sincerely,



Attachment(s)

c: B. Blackwell  
R. Daum  
C. Ofexik  
R. Stark

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**CHARLOTTE OFFICE**

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Customer Service 800.313.3774 • www.epri.com

## AFFIDAVIT

RE: Request for Withholding Information and Data Extracted from the Following Proprietary Document:

EPRI Report 1018642 "Post-Irradiation Examination of AREVA M5 Guide Tubes and Fuel Rods Irradiated in North Anna 1 and 2" (March 2009).

The signatories below, being duly sworn, depose and state as follows:

We represent respectively the Electric Power Research Institute, Inc., whose principal office is located at 3420 Hillview Avenue, Palo Alto, California ("EPRI"), and AREVA, Inc., whose principal office is located at 7207 IBM Drive, Charlotte, North Carolina 28262 ("AREVA"). We have been specifically delegated respectively by our companies the responsibility for the information and data extracted from the above-listed Report that is sought under this Affidavit to be withheld (the "Reports"). We are authorized to apply to the U.S. Nuclear Regulatory Commission ("NRC") for the withholding of the Report.

EPRI and AREVA request that the information and data extracted from the Report be withheld from the public on the following bases:

Withholding Based Upon Privileged And Confidential Trade Secrets Or Commercial Or Financial Information (see e.g. 10 C.F.R. §2.390(a)(4)):

a. The Report is an EPRI publication, and EPRI and AREVA each owns some proprietary information contained in the Report, which has been held in confidence by EPRI and AREVA. All entities accepting information and data extracted from the Report do so subject to written agreements imposing an obligation upon the recipient to maintain the confidentiality of the information, data and Report. The Report and information and data herein are disclosed only to parties who agree, in writing, to preserve the confidentiality thereof.

b. EPRI considers the Report and the proprietary information contained therein (the "Proprietary Information") to constitute trade secrets of EPRI. As such, EPRI holds the Reports in confidence and disclosure thereof is strictly limited to individuals and entities who have agreed, in writing, to maintain the confidentiality of the Report. EPRI and AREVA made a substantial economic investment to develop the Report, and, by prohibiting public disclosure, EPRI and AREVA derive an economic benefit in the form of licensing royalties and other additional fees from the confidential nature of the Report. If the Report and the Proprietary Information were publicly available to consultants and/or other businesses providing services in the electric and/or nuclear power industry, they would be able to use the Report for their own commercial benefit and profit and without expending the substantial economic resources required of EPRI and AREVA to develop the Report.

c. EPRI's classification of the Report and the Proprietary Information as trade secrets is justified by the Uniform Trade Secrets Act which California adopted in 1984 and a version of which has been adopted by over forty states. The California Uniform Trade Secrets Act, California Civil Code §§3426 - 3426.11, defines a "trade secret" as follows:

"Trade secret" means information, including a formula, pattern, compilation, program device, method, technique, or process, that:

(1) Derives independent economic value, actual or potential, from not being generally known to the public or to other persons who can obtain economic value from its disclosure or use; and

(2) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy."

d. The Report and the Proprietary Information contained therein are not generally known or available to the public. EPRI developed the Report only after making a determination that the Proprietary Information was not available from public sources. EPRI made a substantial investment of both money and employee hours in the development of the Report. EPRI required to devote these resources and effort to derive the Proprietary Information and the Report. As a result of such effort and cost, both in terms of dollars spent and dedicated employee time, the Report is highly valuable to EPRI.

e. A public disclosure of the Proprietary Information would be highly likely to cause substantial harm to EPRI's competitive position and the ability of EPRI to license the Proprietary Information both domestically and internationally. The Proprietary Information and Report can only be acquired and/or duplicated by others using an equivalent investment of time and effort.


Each signatory below has read the foregoing and affirmed that the matters stated herein are true and correct to the best of his/her knowledge, information and belief.

For EPRI:

I make this affidavit under penalty of perjury under the laws of the United States of America and under the laws of the State of North Carolina.

Executed at 1300 W WT Harris Blvd being the premises and place of business of Electric Power Research Institute, Inc.

December 13, 2016

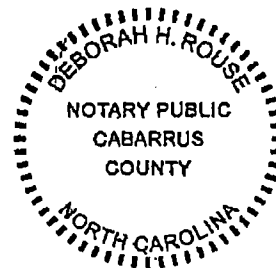
  
\_\_\_\_\_  
Kenneth Canavan for Neil Wilmshurst

(State of North Carolina)  
(County of Mecklenburg)

Subscribed and sworn to (or affirmed) before me on this 13<sup>th</sup> day of December, 2016, by  
Kenneth Canavan, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature Deborah H. Rouse (Seal)

My Commission Expires 2<sup>nd</sup> day of April, 2021



For AREVA:

I make this affidavit under penalty of perjury under the laws of the United States of America and under the laws of the State of North Carolina.

Executed at 3315 Old Forest Road, Lynchburg, Va. being the premises and place of business of AREVA Inc.

Tom Ryan  
Tom Ryan

COMMONWEALTH OF VIRGINIA )  
CITY OF LYNCHBURG ) ss.

Subscribed and sworn to (or affirmed) before me on this 15<sup>th</sup> day of December, 2016, by Tom Ryan, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature [Signature] (Seal)

My Commission Expires 31<sup>st</sup> day of October, 2018

