



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

October 20, 2017

Mr. Mark D. Sartain
Vice President – Nuclear Engineering and
Fleet Support
5000 Dominion Blvd
Richmond, VA 23261

SUBJECT: SURRY POWER STATION, UNITS 1 AND 2 - REQUEST FOR WITHHOLDING
INFORMATION FROM PUBLIC DISCLOSURE (CAC NOS. MF8987 AND
MF8988)

Dear Mr. Sartain:

By letter dated August 31, 2017 (Agency Documents Access and Management System (ADAMS) Accession No. ML 17251A864), Virginia Electric and Power Company (the licensee) submitted an affidavit dated August 16, 2017, executed by Simpson Gumpertz & Heger (SGH), requesting 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.

The information sought to be withheld from public disclosure in Dominion Letter to Nuclear Regulatory Commission, *Proposed Alternative to ASME Section XI Requirements for Repair/Replacement of Circulating and Service Water Class 3 Buried Piping with Carbon Fiber Reinforced Polymer, Response to Request for Additional Information*, is owned by and has been held in confidence by SGH. Specific portions of the Dominion request which include SGH proprietary information are the responses to the Requests for Additional Information (RAI) listed below:

- RAI3.1-1
- RAI3.5.1-4
- RAI3.5.2-1
- RAI3.5.3-2
- RAI3.5.3-3
- RAI3.5.3-5
- RAI3.5.3-6
- RAI3.5.3-7
- RAI3.5.3-8
- RAI3.5.3-9
- RAI3.5.3-10
- RAI3.5.3-11
- EMCB-RAI-1
- EMCB-RAI-2
- EMCB-RAI-3
- EMCB-RAI-4
- EMCB-RAI-5
- EMCB-RAI-6
- EMCB-RAI-7
- EMCB-RAI-8
- EMCB-RAI-9
- EMCB-RAI-10
- EMCB-RAI-12
- RAI3.5.4-2
- RAI3.5.4-3
- RAI3.5.4-4
- RAI3.5.5-1
- RAI3.5.5-4
- RAI3.5.6-1
- RAI3.5.6-2
- RAI3.5.6-3
- RAI3.5.6-4
- RAI3.5.6-5
- RAI3.5.7-3
- RAI3.5.7-5
- RAI3.5.7-7
- RAI3.5.7-8
- RAI3.5.7-9
- RAI3.5.7-10
- RAI3.5.7-11
- RAI3.5.8-1
- RAI3.5.8-2
- RAI3.5.8-3
- RAI M-1
- Attachment B.1
- Attachment B.2
- Attachment B.3
- Attachment C
- Attachment D

A nonproprietary copy of the submittal has been placed in the U.S. Nuclear Regulatory Commission (NRC) Public Document Room and added to the NRC Library (ADAMS Accession Nos. ML17251A895 and ML17251A900).

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

- i. This information is and has been held in confidence by SGH [Simpson Gumpertz & Heger].
- ii. This information is of a type that is customarily held in confidence by SGH, and there is a rational basis for doing so because the information includes proprietary information that was developed and compiled by SGH at a significant cost to SGH. This information is classified as proprietary because it contains information relevant to analytical approaches and methodologies not available elsewhere.
- iii. The information is being transmitted to the NRC voluntarily and in confidence.
- iv. This information is not available in public sources and could not be gathered readily from other publicly available information.
- v. A substantial effort has been expended by SGH to develop and evaluate this information. Public release of this information could lead to additional significant cost to SGH and is likely to cause substantial harm to SGH's competitive position and foreclose or reduce the availability of profit-making opportunities. The value of this information to SGH would be lost or devalued if the information were disclosed to the public.
- vi. Public disclosure of the information sought to be withheld would provide other parties, including competitors, with valuable information. SGH's competitive advantage would be lost if its competitors are able to use the results of SGH's activities to aid their own commercial activities. For example, SGH's competitive advantage would be lost if its competitors are able to use the results of SGH's analyses to normalize or verify their own process or if they are able to claim an equivalent understanding by demonstrating that they can arrive at the same or similar conclusions. Making such information available to competitors without their having been required to undertake a similar expenditure of resources would unfairly provide competitors with a windfall, and deprive SGH of the opportunity to exercise its competitive advantage to seek an adequate return on its large investment.
- vii. The commercial value of the information extends beyond the original development cost, and includes development of the expertise to determine and apply the appropriate evaluation process to the information. The research, development, engineering, and analytical costs that went into generating this information comprise a substantial investment of time and money by SGH. The precise value of this information is difficult to quantify, but clearly is substantial.

We have reviewed your 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(s) 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, 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, I may be reached at 301-415-1438 or e-mail at Karen.Cotton@nrc.gov.

Sincerely,



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

Docket Nos. 50-280 and 50-281

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