



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

June 27, 2018

Neil Wilmshurst  
Vice President and Chief Nuclear Officer  
EPRI  
ELECTRIC POWER RESEARCH INSTITUTE  
1300 West W. T. Harris Boulevard  
Charlotte, NC 28262

SUBJECT: SURRY NUCLEAR POWER STATION, UNITS 1 AND 2 - REQUEST FOR  
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE  
(EPID L-2017-LRO-0078)

Dear Mr. Wilmshurst:

By letter dated November 20, 2017, (Agency Documents Access and Management System (ADAMS) Accession Nos. ML17339A170), Virginia Electric and Power Company (Dominion Energy Virginia, Dominion, or the licensee) submitted an affidavit dated October 20, 2017, to the U.S. Nuclear Regulatory Commission (NRC) executed by you 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:

Structural Integrity Associates Report No. 1601007.401, September 2017, "Flaw Tolerance Evaluation of the Surry Unit 1 and 2 Hot Leg Surge Line Nozzles Using ASME [American Society of Mechanical Engineers Boiler and Pressure Code] Section XI, Appendix L"

A nonproprietary copy of the documents contained in Attachment 2 of the enclosures to the letter dated November 20, 2017, has been placed in the NRC's Public Document Room and added to the NRC Library in ADAMS at Accession No. ML17339A175.

The October 20, 2017, affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

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

- a. The Reports are owned by EPRI [Electric Power Research Institute] and have been held in confidence by EPRI. All entities accepting copies of the Reports do so subject to written agreements imposing an obligation upon the recipient to maintain the confidentiality of the Reports. The Reports are disclosed only to parties who agree, in writing, to preserve the confidentiality thereof.
- b. EPRI considers the Reports 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 Reports. EPRI made a substantial economic investment to develop the Reports, and, by prohibiting public disclosure, EPRI derives an economic benefit in the form of licensing royalties and other additional fees from the confidential nature of the Reports. If the Reports 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 Reports for their own commercial benefit and profit and without expending the substantial economic resources required of EPRI to develop the Reports.

- c. EPRI's classification of the Reports 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 Reports and the Proprietary Information contained therein are not generally known or available to the public. EPRI developed the Reports 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 Reports. EPRI was required to devote these resources and effort to derive the Proprietary Information and the Reports. As a result of such effort and cost, both in terms of dollars spent and dedicated employee time, the Reports are 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 Reports can only be acquired and/or duplicated by others using an equivalent investment of time and effort.

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, please contact me at (301) 415-1438, or via email at [Karen.Cotton@nrc.gov](mailto:Karen.Cotton@nrc.gov).

Sincerely,



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

Docket Nos. 50-280 and 50-281

cc: Listserv

SUBJECT: SURRY NUCLEAR POWER STATION, UNITS 1 AND 2 - REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE (EPID L-2017-LRO-0078) DATED JUNE 27, 2018

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