



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

July 17, 2018

Mr. Daniel G. Stoddard
Senior Vice President and Chief Nuclear Officer
Innsbrook Technical Center
5000 Dominion Blvd.
Glen Allen, VA 23060-6711

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
FOR NORTH ANNA POWER STATION, UNIT NOS. 1 AND 2

Dear Mr. Stoddard:

By letter dated May 2, 2017 (Agencywide Documents Access Management System Accession No. ML17129A446), Mr. Mark D. Sartain of the Virginia Electric and Power Company (Dominion) submitted four affidavits requesting that 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:

Attachment 6: "Criticality Safety Evaluation of the North Anna New Fuel Storage Area and Spent Fuel Pool Allowing 5 wt% U-235 Enriched Fuel"

By letter dated July 19, 2017 (ADAMS Accession No. ML17207A161), Mr. Sartain submitted the same document as Enclosure 1, with the proprietary information annotated throughout the document, and with the same four affidavits requesting withholding of that information. The affidavits submitted in support of the request for withholding (as listed in Dominion's May 2, 2017, letter) were as follows:

Attachment 8: "Affidavit Supporting AREVA Proprietary Information Contained in Dominion's North Anna Power Station Licensing Amendment Request," dated October 31, 2016, executed by Gayle Elliott of AREVA Inc.

Attachment 9: "Application for Withholding Proprietary Information from Public Disclosure," dated November 18, 2016, executed by James A. Gresham of Westinghouse Electric Company LLC.

Attachment 10: "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)," dated December 13 and 15, 2016, executed by Kenneth Canavan of EPRI, and Tom Ryan of AREVA Inc., respectively.

Attachment 11: "Application for Withholding Proprietary Information from Public Disclosure," dated December 13, 2016, executed by James A. Gresham of Westinghouse Electric Company LLC.

A nonproprietary version of Attachment 6 to Dominion's May 2, 2017, letter was provided as Attachment 7 to that same letter and can be found at ADAMS Accession No. ML17129A452.

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

- This Document contains information of a proprietary and confidential nature and is of the type customarily held in confidence by AREVA and not made available to the public.
- This Document has been made available to the U.S. Nuclear Regulatory Commission in confidence with the request that the information contained in this Document be withheld from public disclosure. ...The information for which withholding from disclosure is requested qualifies under 10 CFR 2.390(a)(4) "Trade secrets and commercial or financial information."
- The information includes test data or analytical techniques concerning a process, methodology, or component, the application of which results in a competitive advantage for AREVA... The information reveals certain distinguishing aspects of a process, methodology, or component, the exclusive use of which provides a competitive advantage for AREVA in product optimization or marketability... The information is vital to a competitive advantage held by AREVA, would be helpful to competitors to AREVA, and would likely cause substantial harm to the competitive position of AREVA.
- The information is of a type customarily held in confidence by Westinghouse and not customarily disclosed to the public.
- Public disclosure of this proprietary information is likely to cause substantial harm to the competitive position of Westinghouse because it would enhance the ability of competitors to provide similar technical evaluation justifications and licensing defense 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.
- The development of the technology described in part by the information is the result of applying the results of many years of experience in an intensive Westinghouse effort and the expenditure of a considerable sum of money.
- In order for competitors of Westinghouse to duplicate this information, similar technical programs would have to be performed and a significant

manpower effort, having the requisite talent and experience, would have to be expended.

- EPRI and AREVA request that the information and data extracted from the Report [EPRI Report 1018642 "Post-Irradiation Examination of AREVA M5 Guide Tubes and Fuel Rods Irradiated in North Anna 1 and 2" (March 2009)] 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))

- 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.
- 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.
- 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.
- 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.

We have reviewed Dominion's letters and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavits, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the report, "Criticality Safety Evaluation of the North Anna New Fuel Storage Area and Spent Fuel Pool Allowing 5 wt% U-235 Enriched Fuel," provided as Attachment 6 to Dominion's letter dated May 2, 2017, and as Enclosure 1 to Dominion's letter dated

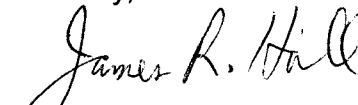
July 19, 2017, marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

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 Nuclear Regulatory Commission. 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, please contact me at (301) 415-4032 or via email at Randy.Hall@nrc.gov.

Sincerely,



James R. Hall, Senior Project Manager
Plant Licensing Branch II-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-338 and 50-339

cc: Gayle Elliott
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DATED JULY 17, 2018

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ADAMS Accession No. ML18192C182***via e-mail**

OFFICE	NRR/DORL/LPL2-1/PM	NRR/DORL/LPL2-1/LA	NRR/DSS/SNPB/BC(A)
NAME	JHall	KGoldstein	SKrepel*
DATE	07/13/18	07/12/18	07/13/18
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NAME	MMarkley	JHall	
DATE	07/16/18	07/17/18	

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