

VIRGINIA ELECTRIC AND POWER COMPANY
RICHMOND, VIRGINIA 23261

October 21, 2021

United States Nuclear Regulatory Commission
Attention: Director,
Office of Nuclear Reactor Regulation
Washington, DC 20555-0001

Serial No. 21-340
NRA/MLW R1
Docket Nos.: 50-338/339
50-280/281
License Nos.: NPF-4/7
DPR-32/37

VIRGINIA ELECTRIC AND POWER COMPANY
NORTH ANNA POWER STATION UNITS 1 & 2
SURRY POWER STATION UNITS 1 & 2
CHANGES TO DECOMMISSIONING TRUST AGREEMENTS

This letter provides notification that Virginia Electric and Power Company (Dominion Energy Virginia), is amending the Qualified and Non-qualified Nuclear Decommissioning Trust Agreements for North Anna Power Station (NAPS) and Surry Power Station (SPS) to add clarification in Section 1.03 and 6.01, respectively. This notification is being provided pursuant to 10 CFR 50.75(h)(1)(B)(iii).

The NAPS and SPS trusts continue to be held by The Northern Trust Company, an Illinois corporation in Chicago, Illinois.

In connection with this change, the existing trust agreements are being amended to add clarification in Section 1.03 and 6.01. No other changes are being made. Copies of the amendments to the trust agreements are attached. The amendments to the trust agreements are to be made effective on December 1, 2021.

Please contact Mr. Craig D. Sly at (804) 273-2784 if you have any questions or require additional information.

Sincerely,



Mark D. Sartain
Vice President – Nuclear Engineering and Fleet Support
Virginia Electric and Power Company

Commitments made in this letter: None

Attachments:

1. Amendment 1 to Virginia Electric and Power Company Qualified Nuclear Decommissioning Trust Agreement
2. Amendment 1 to Virginia Electric and Power Company Non-Qualified Nuclear Decommissioning Trust Agreement

cc: Director, Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555

U.S. Nuclear Regulatory Commission Region II
Marquis One Tower
245 Peachtree Center Avenue, NE
Suite 1200
Atlanta, Georgia 30303-1257 U.S.

Mr. G. Edward Miller
NRC Project Manager, USNRC
One White Flint North
Mail Stop 09 E-3
11555 Rockville Pike
Rockville, Maryland 20852-2738

Mr. L. John Klos
NRC Project Manager, USNRC
One White Flint North
Mail Stop 09 E-3
11555 Rockville Pike
Rockville, Maryland 20852-2738

Ms. Yen-Ju Chen
Senior Project Manager
U. S. Nuclear Regulatory Commission
Two White Flint North
11545 Rockville Pike
Mail Stop 4B34
Rockville, MD 20852-2738

NRC Senior Resident Inspector
North Anna Power Station

NRC Senior Resident Inspector
Surry Power Station

Mr. David M. Kohanzo
The Northern Trust Company
Vice President
Corporate & Institutional Services
50 South LaSalle Street, M-28
Chicago, IL 60603

Attachment 1

**Amendment 1 to Virginia Electric and Power Company Qualified Nuclear
Decommissioning Trust Agreement**

**North Anna Power Station
Surry Power Station
Virginia Electric and Power Company**

**FIRST AMENDMENT TO THE
AMENDED AND RESTATED VIRGINIA ELECTRIC AND POWER COMPANY
QUALIFIED NUCLEAR DECOMMISSIONING TRUST AGREEMENT**

THIS AGREEMENT is effective as of the ___ day of _____, 2021 by and between **VIRGINIA ELECTRIC AND POWER COMPANY**, a Virginia corporation (the "Grantor"), and **THE NORTHERN TRUST COMPANY**, an Illinois corporation of Chicago, Illinois (the "Trustee");

WHEREAS, the Grantor and the Trustee executed the Amended and Restated Virginia Electric and Power Company Qualified Nuclear Decommissioning Trust Agreement effective January 1, 2013 (the "Trust");

WHEREAS, the Grantor and the Trustee desire to amend the Trust pursuant to Section 5.01 of the Trust.

NOW, THEREFORE, the sections of the Trust set forth below are amended as follows, but all other sections of the Trust shall remain in full force and effect.

1. The following language is hereby added to the end of Section 1.03:

“Committee meetings may be convened at the corporate headquarters of the Trustee in Illinois and in such case, Committee members may participate in the meetings via electronic means such a video conference provided all members of the Committee may be heard simultaneously during the meeting. Notwithstanding the foregoing, the Chair of the Committee will meet with the Trustee at the corporate headquarters of the Trustee in Illinois at least annually. Other Committee members may participate in such meetings either in person or via electronic means such as video conference.”

2. Section 6.01 is hereby replaced in its entirety with the following:

6.01 Construction and Situs

The Grantor’s intent and purpose in creating the trusts hereunder and executing this Agreement is to maintain Nuclear Decommissioning Reserve Funds pursuant to Internal Revenue Code Section 468A. All questions arising in the administration of the Trust and in the construction of this Agreement will be resolved accordingly. Further the Trustee’s principal place of business is in Illinois and as such, is subject to regulations governing an Illinois banking institution. The assets of the Trust shall be held and administered in Illinois. Accordingly, the Trust situs shall be Illinois and this Agreement will be construed, enforced, and administered in accordance with the laws of the State of Illinois, except to the extent that the laws of the United States of America take precedence, in which event, this Agreement will be construed in accordance with the laws of the United States of America. The headings and subheadings in this Agreement have been inserted for convenience only and are to be ignored in construction of the provisions.

This amendment may be executed in any number of counterparts, but all such counterparts shall together constitute but one instrument. Any such counterpart, to the extent delivered by means of a facsimile machine or by .pdf, .tif, .gif, .jpg or similar attachment to electronic mail, shall be treated in all manner and respects as an original executed counterpart.

IN WITNESS WHEREOF, the Grantor and the Trustee have executed this Amendment to the Trust Agreement by their respective duly authorized officers effective as of the day and year first written above.

VIRGINIA ELECTRIC AND POWER COMPANY

By: _____
Its: _____

The undersigned, _____, does hereby certify that he/she is the duly elected, qualified Assistant Secretary of **Virginia Electric And Power Company** (the "Grantor") and further certifies that the person whose signature appears above is a duly elected, qualified and acting officer of the Grantor with full power and authority to execute this Trust Amendment on behalf of the Grantor and to take such other actions and execute such other documents as may be necessary to effectuate this Agreement.

Assistant Secretary
Virginia Electric And Power Company

THE NORTHERN TRUST COMPANY

By: _____
Its: _____

Attachment 2

**Amendment 1 to Virginia Electric and Power Company Non-Qualified Nuclear
Decommissioning Trust Agreement**

**North Anna Power Station
Surry Power Station
Virginia Electric and Power Company**

**FIRST AMENDMENT TO THE
AMENDED AND RESTATED VIRGINIA ELECTRIC AND POWER COMPANY NON-
QUALIFIED NUCLEAR DECOMMISSIONING TRUST AGREEMENT**

THIS AGREEMENT is effective as of the ___ day of _____, 2021 by and between **VIRGINIA ELECTRIC AND POWER COMPANY**, a Virginia corporation (the "Grantor"), and **THE NORTHERN TRUST COMPANY**, an Illinois corporation of Chicago, Illinois (the "Trustee");

WHEREAS, the Grantor and the Trustee executed the Amended and Restated Virginia Electric and Power Company Non-Qualified Nuclear Decommissioning Trust Agreement effective January 1, 2013 (the "Trust");

WHEREAS, the Grantor and the Trustee desire to amend the Trust pursuant to Section 5.01 of the Trust.

NOW, THEREFORE, the sections of the Trust set forth below are amended as follows, but all other sections of the Trust shall remain in full force and effect.

3. The following language is hereby added to the end of Section 1.03:

“Committee meetings may be convened at the corporate headquarters of the Trustee in Illinois and in such case, Committee members may participate in the meetings via electronic means such a video conference provided all members of the Committee may be heard simultaneously during the meeting. Notwithstanding the foregoing, the Chair of the Committee will meet with the Trustee at the corporate headquarters of the Trustee in Illinois at least annually. Other Committee members may participate in such meetings either in person or via electronic means such as video conference.”

4. Section 6.01 is hereby replaced in its entirety with the following:

6.01 Construction and Situs

The Grantor’s intent and purpose in creating the trusts hereunder and executing this Agreement is to maintain Nuclear Decommissioning Reserve Funds to provide for the costs of decommissioning the Grantor’s nuclear power plants. All questions arising in the administration of the Trust and in the construction of this Agreement will be resolved accordingly. Further the Trustee’s principal place of business is in Illinois and as such, is subject to regulations governing an Illinois banking institution. The assets of the Trust shall be held and administered in Illinois. Accordingly, the Trust situs shall be Illinois and this Agreement will be construed, enforced, and administered in accordance with the laws of the State of Illinois, except to the extent that the laws of the United States of America take precedence, in which event, this Agreement will be construed in accordance with the laws of the United States of America. The headings and subheadings in this Agreement have been inserted for convenience only and are to be ignored in construction of the provisions.

This amendment may be executed in any number of counterparts, but all such counterparts shall together constitute but one instrument. Any such counterpart, to the extent delivered by means of a facsimile machine or by .pdf, .tif, .gif, .jpg or similar attachment to electronic mail, shall be treated in all manner and respects as an original executed counterpart.

IN WITNESS WHEREOF, the Grantor and the Trustee have executed this Amendment to the Trust Agreement by their respective duly authorized officers effective as of the day and year first written above.

VIRGINIA ELECTRIC AND POWER COMPANY

By: _____
Its: _____

The undersigned, _____, does hereby certify that he/she is the duly elected, qualified Assistant Secretary of **Virginia Electric And Power Company** (the "Grantor") and further certifies that the person whose signature appears above is a duly elected, qualified and acting officer of the Grantor with full power and authority to execute this Trust Amendment on behalf of the Grantor and to take such other actions and execute such other documents as may be necessary to effectuate this Agreement.

Assistant Secretary
Virginia Electric And Power Company

THE NORTHERN TRUST COMPANY

By: _____
Its: _____