

Mark D. Mitchell
Vice President - Generation Construction
Dominion Generation



An operating segment of
Dominion Resources, Inc.
5000 Dominion Boulevard, Glen Allen, VA 23060

dom.com

**Security – Related Information
Withhold Under 10 CFR 2.390**

June 3, 2015

U. S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington, D. C. 20555

Serial No. NA3-15-011
Docket No. 52-017
COL/DBE

DOMINION VIRGINIA POWER
NORTH ANNA UNIT 3 COMBINED LICENSE APPLICATION
OSCILLATOR REPORT

During a meeting on April 15, 2015 between Dominion and the NRC staff discussing the North Anna Unit 3 (NA3) Seismic Closure Plan (ML14297A199), the staff requested Dominion submit a technical report that was not listed in the Seismic Closure Plan. This letter provides that report.

Enclosures 1 and 3 of this letter contain the non-proprietary and proprietary versions of SER-DMN-014, "Additional Oscillators for fully cracked model for RAI 3.7.2-14(f) Response." An affidavit signed by GEH, the owner of the information, is provided in Enclosure 2. The affidavit sets forth the basis on which the information in the proprietary version of the report should be withheld from public disclosure by the Commission and addresses with specificity the considerations listed in paragraph (a)(4) of 10 CFR 2.390 of the Commission's regulations. Accordingly, it is respectfully requested that the information, which is proprietary to GEH, be withheld from public disclosure in accordance with 10 CFR 2.390 of the Commission's regulations. Correspondence with respect to the copyright or proprietary aspects of the GEH information noted above or the supporting GEH affidavit should be addressed to: David Hinds, Manager, New Units Engineering, GE Hitachi Nuclear Energy, 3901 Castle Hayne Road, Wilmington, NC 28401.

The proprietary version of this report also contains Security-Related Information. Dominion requests the enclosure be withheld from public disclosure in accordance with 10 CFR 2.390(d)(1).

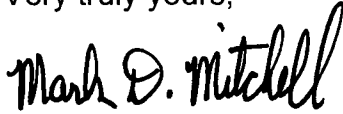
DO89
nko

**ENCLOSURE CONTAINS PROPRIETARY AND SECURITY-RELATED
INFORMATION**

Enclosure 3 contains proprietary and security-related information and must be protected accordingly in accordance with 10 CFR 2.390. Upon removal of Enclosure 3, this letter is decontrolled.

Please contact Regina Borsh at (804) 273-2247 (regina.borsh@dom.com) if you have questions.

Very truly yours,



Mark D. Mitchell

Enclosures:

1. SER-DMN-014, NON-PROPRIETARY (DVD)
2. Affidavit for SER-DMN-014
3. SER-DMN-014, PROPRIETARY (Security-Related Information) (DVD)

Commitments made by this letter:
None

COMMONWEALTH OF VIRGINIA

COUNTY OF HENRICO

The foregoing document was acknowledged before me, in and for the County and Commonwealth aforesaid, today by Mark D. Mitchell, who is Vice President-Generation Construction of Virginia Electric and Power Company (Dominion Virginia Power). He has affirmed before me that he is duly authorized to execute and file the foregoing document on behalf of the Company, and that the statements in the document are true to the best of his knowledge and belief.

Acknowledged before me this 3 day of JUNE, 2015

My registration number is 253183 and my

Commission expires: SEPT. 30, 2016


Notary Public



cc with Enclosures (2 copies of each DVD):
J. J. Shea, Jr., NRC

cc w/o Enclosures 1 and 3:
U. S. Nuclear Regulatory Commission, Region II
T. S. Dozier, NRC
G. J. Kolcum, NRC
D. Paylor, VDEQ
W. T. Lough, SCC
P. W. Smith, DTE
M. K. Brandon, DTE
R. J. Bell, NEI

Serial No. NA3-15-011
Docket No. 52-017

ENCLOSURE 1

**SER-DMN-014, NON-PROPRIETARY
(DVD)**

Serial No. NA3-15-011
Docket No. 52-017

ENCLOSURE 2

Affidavit for SER-DMN-014

GE-Hitachi Nuclear Energy Americas LLC

AFFIDAVIT

I, Peter M. Yandow, state as follows:

- (1) I am the Vice President, Nuclear Plant Projects/Services Licensing, Regulatory Affairs of GE-Hitachi Nuclear Energy Americas LLC (GEH), and have been delegated the function of reviewing the information described in paragraph (2) which is sought to be withheld, and have been authorized to apply for its withholding.
- (2) The information sought to be withheld is contained in GEH proprietary report, SER-DMN-014, Revision 1, Additional Oscillators for Fully Cracked Model for RAI 3.7.2-14(f) Response", Revision 1, March 2015. GEH proprietary information is identified by a dark red dotted underline inside double square brackets. [[This sentence is an example.⁽³⁾]] Figures and large equation objects containing GEH proprietary information are identified with double square brackets before and after the object. In each case, the superscript notation ⁽³⁾ refers to Paragraph (3) of this affidavit that provides the basis for the proprietary determination.
- (3) In making this application for withholding of proprietary information of which it is the owner or licensee, GEH relies upon the exemption from disclosure set forth in the Freedom of Information Act (FOIA), 5 USC Sec. 552(b)(4), and the Trade Secrets Act, 18 USC Sec. 1905, and NRC regulations 10 CFR 9.17(a)(4), and 2.390(a)(4) for trade secrets (Exemption 4). The material for which exemption from disclosure is here sought also qualifies under the narrower definition of trade secret, within the meanings assigned to those terms for purposes of FOIA Exemption 4 in, respectively, Critical Mass Energy Project v. Nuclear Regulatory Commission, 975 F2d 871 (DC Cir. 1992), and Public Citizen Health Research Group v. FDA, 704 F2d 1280 (DC Cir. 1983).
- (4) The information sought to be withheld is considered to be proprietary for the reasons set forth in paragraphs (4)a. and (4)b. Some examples of categories of information that fit into the definition of proprietary information are:
 - a. Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by GEH's competitors without license from GEH constitutes a competitive economic advantage over GEH and/or other companies.
 - b. Information that, if used by a competitor, would reduce their expenditure of resources or improve their competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product.
 - c. Information that reveals aspects of past, present, or future GEH customer-funded development plans and programs, that may include potential products of GEH.
 - d. Information that discloses trade secret and/or potentially patentable subject matter for which it may be desirable to obtain patent protection.

- (5) To address 10 CFR 2.390(b)(4), the information sought to be withheld is being submitted to the NRC in confidence. The information is of a sort customarily held in confidence by GEH, and is in fact so held. The information sought to be withheld has, to the best of my knowledge and belief, consistently been held in confidence by GEH, not been disclosed publicly, and not been made available in public sources. All disclosures to third parties, including any required transmittals to the NRC, have been made, or must be made, pursuant to regulatory provisions or proprietary and/or confidentiality agreements that provide for maintaining the information in confidence. The initial designation of this information as proprietary information, and the subsequent steps taken to prevent its unauthorized disclosure are as set forth in the following paragraphs (6) and (7).
- (6) Initial approval of proprietary treatment of a document is made by the manager of the originating component, who is the person most likely to be acquainted with the value and sensitivity of the information in relation to industry knowledge, or who is the person most likely to be subject to the terms under which it was licensed to GEH.
- (7) The procedure for approval of external release of such a document typically requires review by the staff manager, project manager, principal scientist, or other equivalent authority for technical content, competitive effect, and determination of the accuracy of the proprietary designation. Disclosures outside GEH are limited to regulatory bodies, customers, and potential customers, and their agents, suppliers, and licensees, and others with a legitimate need for the information, and then only in accordance with appropriate regulatory provisions or proprietary and/or confidentiality agreements.
- (8) The information identified in paragraph (2) above is classified as proprietary because it contains seismic model properties developed by GEH for evaluations specific to the ESBWR design. Development of this input to methods, techniques, and evaluation information was achieved at a significant cost to GEH. The development of the evaluation process along with the interpretation and application of the analytical results is derived from the extensive experience database that constitutes a major GEH asset.
- (9) Public disclosure of the information sought to be withheld is likely to cause substantial harm to GEH's competitive position and foreclose or reduce the availability of profit-making opportunities. The information is part of GEH's comprehensive BWR safety and technology base, and its commercial value extends beyond the original development cost. The value of the technology base goes beyond the extensive physical database and analytical methodology and includes development of the expertise to determine and apply the appropriate evaluation process. In addition, the technology base includes the value derived from providing analyses done with NRC-approved methods.

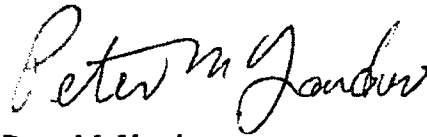
The research, development, engineering, analytical and NRC review costs comprise a substantial investment of time and money by GEH. The precise value of the expertise to devise an evaluation process and apply the correct analytical methodology is difficult to quantify, but it clearly is substantial. GEH's competitive advantage will be lost if its competitors are able to use the results of the GEH experience 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.

The value of this information to GEH would be lost if the information were disclosed to the public. 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 GEH of the opportunity to exercise its competitive advantage to seek an adequate return on its large investment in developing and obtaining these very valuable analytical tools.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 22nd day of May, 2015.

A handwritten signature in black ink, reading "Peter M. Yandow". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Peter M. Yandow
Vice President, NPP/Services
GE-Hitachi Nuclear Energy Americas LLC
3901 Castle Hayne Road
Wilmington, NC 28401
peter.yandow@ge.com

**Security-Related Information
Withhold Under 10 CFR 2.390**

ENCLOSURE 3

**SER-DMN-014, PROPRIETARY
(Security-Related Information)
(DVD)**

**ENCLOSURE CONTAINS PROPRIETARY AND SECURITY-RELATED
INFORMATION**

This Enclosure contains proprietary and security-related information and must be protected accordingly in accordance with 10 CFR 2.390. Upon removal of this Enclosure, this letter is decontrolled.

SECURITY-RELATED INFORMATION – WITHHOLD UNDER 10 CFR 2.390