

Mark D. Mitchell  
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An operating segment of  
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April 29, 2016

dom.com

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

Serial No. NA3-16-009  
Docket No. 52-017  
COL/RAB

**DOMINION VIRGINIA POWER**  
**NORTH ANNA UNIT 3 COMBINED LICENSE APPLICATION**  
**SUBMISSION OF SEISMIC TECHNICAL REPORTS**

In the North Anna Unit 3 (NA3) Seismic Closure Plan (SCP) (ML14297A199), Dominion committed to provide the NRC various technical reports on a defined schedule to support the NRC's review. Dominion submitted the last of these reports on December 16, 2015 (Dominion Letter No. NA3-15-033). As a result of the audit that the NRC staff conducted March 21-25, 2016, Dominion is revising certain reports to address comments from the staff. This letter transmits revisions to three of the technical reports that are being revised.

The following GEH reports are provided in the attached enclosures:

- GEH report number 003N0526 Revision 1, Seismic Qualification of Spent Fuel in the Spent Fuel Racks
- GEH report number 002N8467 Revision 4, Fuel Rack Seismic Analysis
- GEH report number 002N8530 Revision 4, PCCS Condenser Seismic Analysis

The enclosures to this letter provide paper copies of the reports being sent to the Document Control Desk to be scanned and entered into ADAMS. A DVD containing electronic copies of the reports is being sent to the NRC project manager, with additional copies available upon request.

Report 003N0526 contains proprietary information. The proprietary version of the report is included in Enclosure 1. 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 public version of the report is included in

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**ENCLOSURE CONTAINS PROPRIETARY INFORMATION**

Enclosure 1 contains proprietary information and must be protected accordingly in accordance with 10 CFR 2.390. Upon removal of the enclosure, this letter is decontrolled.

NRD

Enclosure 3. The reports contained in Enclosures 4 and 5 do not contain proprietary information.

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

Very truly yours,

A handwritten signature in black ink that reads "Mark D. Mitchell". The signature is written in a cursive, flowing style.

Mark D. Mitchell

Enclosures:

1. 003N0526 Revision1, Seismic Qualification of Spent Fuel in the Spent Fuel Racks (PROPRIETARY)
2. Affidavit for GEH technical report 003N0526
3. 003N0526 Revision 1, Seismic Qualification of Spent Fuel in the Spent Fuel Racks (Public)
4. 002N8467 Revision 4, Fuel Rack Seismic Analysis
5. 002N8530 Revision 4, PCCS Condenser Seismic Analysis

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 29 day of APRIL, 2016

My registration number is 253183 and my

Commission expires: SEPTEMBER 30, 2016

Kathy W. Prokors  
Notary Public



cc (hard copy and email) with convenience DVD (2 copies each) and w/o Enclosures:

J.J. Shea, Jr. NRC

M. Eudy, NRC

cc w/o Enclosures or convenience DVD:

U. S. Nuclear Regulatory Commission, Region II

T. S. Dozier, NRC

G. Croon, NRC

D. Paylor, VDEQ

W. T. Lough, SCC

M. K. Brandon, DTE

R. J. Bell, NEI

**ENCLOSURE 2**

**Affidavit for**

**GEH Technical Report 003N0526**

# GE-Hitachi Nuclear Energy Americas LLC

## AFFIDAVIT

**I, Patricia L. Campbell,** state as follows:

- (1) I am the Vice President, Washington 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, Report Number 003N0526, "North Anna 3 Seismic Qualification of Spent Fuel in the Spent Fuel Racks," Revision 1, Class III (GEH Proprietary Information), April 2016. This report is provided to Dominion for transmittal to the NRC. GEH text proprietary information in Report 003N0526 is identified by a dark red dotted underline inside double square brackets. [[This sentence is an example.<sup>{3}</sup>]] 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 <sup>{3}</sup> 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.

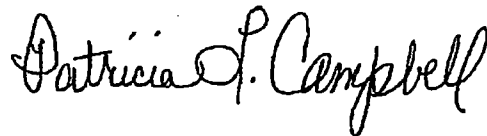
- d. Information that discloses trade secret and/or potentially patentable subject matter for which it may be desirable to obtain patent protection.
- (5) To address 10 CFR 2.390(b)(4), the information sought to be withheld is being submitted to the NRC in confidence. The information is of a sort customarily 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. Access to such documents within GEH is limited to a "need to know" basis.
- (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 details of values used in seismic analysis developed by GEH for evaluations of the seismic qualification of spent nuclear fuel for storage in spent fuel storage racks at the North Anna Unit 3 site. Development of this information and its application for the design and analyses methodologies and processes for evaluating the spent fuel storage at North Anna Unit 3 using site-specific conditions 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 15<sup>th</sup> day of April 2016.

A handwritten signature in black ink that reads "Patricia L. Campbell". The signature is written in a cursive style with a large, stylized "P" and "C".

Patricia L. Campbell  
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