

June 11, 2002

Mr. Howard Bergendahl  
Vice President-Nuclear, Davis-Besse  
FirstEnergy Nuclear Operating Company  
Davis-Besse Nuclear Power Station  
5501 North State Route 2  
Oak Harbor, OH 43449-9760

SUBJECT: DAVIS-BESSE NUCLEAR POWER PLANT - REQUEST FOR WITHHOLDING  
INFORMATION FROM PUBLIC DISCLOSURE (TAC MB4799)

Dear Mr. Bergendahl:

By letter from FirstEnergy dated April 8, 2002, and Framatome ANP (FRA-ANP)'s affidavit, executed by Raymond W. Ganthner, dated April 5, 2002, the following proprietary document was submitted:

"Elastic-Plastic Finite Element Stress Analysis of Davis-Besse RPV Head Wastage Cavity and Safety Assessment of the Davis-Besse Reactor Vessel Head Corrosion."

FRA-ANP requested that the proprietary information be withheld from public disclosure pursuant to 10 CFR 2.790. Also, a nonproprietary version of this document has been placed in the Nuclear Regulatory Commission (NRC) public document room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room located on the NRC internet website at [www.NRC.gov](http://www.NRC.gov). FRA-ANP stated that the information should be considered exempt from mandatory public disclosure for the following reasons:

- (6)a The information reveals details of FRA-ANP's research and development plans and programs or their results.
- (6)b Use of the information by a competitor would permit the competitor to significantly reduce its expenditures, in time or resources, to design, produce, or market a similar product or service.
- (6)c The information includes test data or analytical techniques concerning a process, methodology, or component, the application of which results in a competitive advantage of FRA-ANP.
- (6)d The information reveals certain distinguishing aspects of a process, methodology, or component, the exclusive use of which provides a competitive advantage for FRA-ANP in product optimization or marketability.

- (6)e The information is vital to a competitive advantage held by FRA-ANP, would be helpful to competitors to FRA-ANP, and would likely cause substantial harm to the competitive position of FRA-ANP.

We have reviewed your submittal and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of FRA-ANP's statements, have determined that the submitted information sought to be withheld contains trade secrets or proprietary commercial information. Therefore, the information marked as proprietary in your submittal of April 8, 2002, will be withheld from public disclosure pursuant to 10 CFR 2.790(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 document. 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 should also 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 needs additional information from you or 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, I may be reached at 301-415-1364.

Sincerely,

*/RA/*

Douglas V. Pickett, Senior Project Manager, Section 2  
Project Directorate III  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-346

cc: See next page

- (6)e The information is vital to a competitive advantage held by FRA-ANP, would be helpful to competitors to FRA-ANP, and would likely cause substantial harm to the competitive position of FRA-ANP.

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Sincerely,

**/RA/**

Douglas V. Pickett, Senior Project Manager, Section 2  
Project Directorate III  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

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**ADAMS ACCESSION NO. ML021370568**

**\*See previous concurrence**

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Davis-Besse Nuclear Power Station, Unit 1

cc:

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