

August 6, 2002

Mr. Howard W. 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 STATION - REQUESTS FOR
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
(TAC NO. MB4479)

Dear Mr. Bergendahl:

FirstEnergy has submitted a number of documents in response to Nuclear Regulatory Commission (NRC) Bulletin 2001-01, "Circumferential Cracking of Reactor Pressure Vessel Head Penetration Nozzles," and the reactor vessel head examination plans for the current refueling outage that contain proprietary and restricted information. Accordingly, you have requested that these documents be withheld from public disclosure pursuant to 10 CFR 2.790, "Public inspections, exemptions, requests for withholding."

Enclosures 1 through 5 to this letter describe five separate submittals containing proprietary and restricted information. Included in each enclosure is a brief description of each document, identification of the author of the individual affidavits, and the reasons why the information should be considered exempt from mandatory public disclosure. The submittals include:

- FirstEnergy letter dated October 30, 2001 (Serial Number 2741), "Responses to Requests for Additional Information Concerning NRC Bulletin 2001-01, Circumferential Cracking of Reactor Pressure Vessel Head Penetration Nozzles." (Enclosure 1)
- FirstEnergy letter dated October 30, 2001 (Serial Number 2743), "Request for Withholding Previously Transmitted Document from Public Disclosure." It should be noted that this letter references information previously provided in FirstEnergy letter dated October 17, 2001 (Serial Number 2735) which was not submitted as proprietary but later determined to be proprietary. While the proprietary information was publicly accessible for approximately one month, the staff has subsequently withdrawn it from public access. (Enclosure 2)
- FirstEnergy letter dated November 30, 2001 (Serial Number 2747), "Supplemental Information in Response to the November 28, 2001, Meeting Regarding the Davis-Besse Nuclear Power Station Response to NRC Bulletin 2001-01." (Enclosure 3)
- FirstEnergy letter dated February 14, 2002 (Serial Number 2761), "Reactor Pressure Vessel Head Penetration Examination Plans for the Davis-Besse Nuclear Power Station." (Enclosure 4)

- FirstEnergy letter dated July 16, 2002 (Serial Number 2799), "FOIA - 2002-0229: Information to Assist the NRC in Determining Whether the Information in the Referenced Framatome ANP Viewgraphs Falls within Exemption (4) of the FOIA (5 U.S.C. 552(b)(4)) and 10 CFR 9.17(a)(4)." (Enclosure 5)

We have reviewed your submittals and the material in accordance with the requirements of 10 CFR 2.790. On the basis of statements included in the respective affidavits, we have determined, that the information sought to be withheld contains trade secrets or proprietary commercial information. Therefore, the information marked as proprietary and restricted in the above letters 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.

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

Enclosures: As stated

cc w/encl: See next page

- FirstEnergy letter dated July 16, 2002 (Serial Number 2799), "FOIA - 2002-0229: Information to Assist the NRC in Determining Whether the Information in the Referenced Framatome ANP Viewgraphs Falls within Exemption (4) of the FOIA (5 U.S.C. 552(b)(4)) and 10 CFR 9.17(a)(4)." (Enclosure 5)

We have reviewed your submittals and the material in accordance with the requirements of 10 CFR 2.790. On the basis of statements included in the respective affidavits, we have determined, that the information sought to be withheld contains trade secrets or proprietary commercial information. Therefore, the information marked as proprietary and restricted in the above letters 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.

Sincerely,

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
 Enclosures: As stated
 cc w/encl: See next page

Distribution

PUBLIC
 PDIII R/F

GGrant, R3
 VTharpe

OGC (email MPS)

ADAMS ACCESSION NO: ML022030136

*See previous concurrence

OFFICE	PM:LPD3-2	LA:LPD3-2	BC:EMCB	OGC	SC:LPD3-2
NAME	DPickett	THarris	LLund for WBateman*	MPSiemien	AMendiola
DATE	7/25/02	7/25/02	7/ 22 /02	7/25/02	7/25/02

Davis-Besse Nuclear Power Station, Unit 1

cc:

Mary E. O'Reilly
FirstEnergy Corporation
76 South Main St.
Akron, OH 44308

Manager-Regulatory Affairs
First Energy Nuclear Operating Company
Davis-Besse Nuclear Power Station
Oak Harbor, OH 43449-9760

Director
Ohio Department of Commerce
Division of Industrial Compliance
Bureau of Operations & Maintenance
6606 Tussing Road
P.O. Box 4009
Reynoldsburg, OH 43068-9009

Regional Administrator
U.S. Nuclear Regulatory Commission
801 Warrenville Road
Lisle, IL 60523-4351

Michael A. Schoppman
Framatome ANP
1911 N. Ft. Myer Drive
Rosslyn, VA 22209

Resident Inspector
U.S. Nuclear Regulatory Commission
5503 North State Route 2
Oak Harbor, OH 43449-9760

Plant Manager, Randel J. Fast
FirstEnergy Nuclear Operating Company
Davis-Besse Nuclear Power Station
5501 North State - Route 2
Oak Harbor, OH 43449-9760

Dennis Clum
Radiological Assistance Section Supervisor
Bureau of Radiation Protection
Ohio Department of Health
P.O. Box 118
Columbus, OH 43266-0118

Carol O'Claire, Chief, Radiological Branch
Ohio Emergency Management Agency
2855 West Dublin Granville Road
Columbus, OH 43235-2206

Zack A. Clayton
DERR
Ohio Environmental Protection Agency
P.O. Box 1049
Columbus, OH 43266-0149

State of Ohio
Public Utilities Commission
180 East Broad Street
Columbus, OH 43266-0573

Attorney General
30 East Broad Street
Columbus, OH 43216

President, Board of County
Commissioners of Ottawa County
Port Clinton, OH 43252

President, Board of County
Commissioners of Lucas County
One Government Center, Suite 800
Toledo, Ohio 43604-6506

FIRSTENERGY LETTER DATED OCTOBER 30, 2001 (SERIAL NUMBER 2741)

RESPONSE TO REQUESTS FOR ADDITIONAL INFORMATION CONCERNING NUCLEAR REGULATORY COMMISSION (NRC) BULLETIN 2001-01, "CIRCUMFERENTIAL CRACKING OF REACTOR PRESSURE VESSEL HEAD PENETRATION NOZZLES"

By letter from FirstEnergy dated October 30, 2001 (Serial Number 2741), Framatome ANP's (FRA-ANP) affidavits, executed by C. M. Powers, Vice President Quality, and James F. Mallay, Director Regulatory Affairs, dated October 30, and October 19, 2001, respectively, the following proprietary documents were submitted:

- Response to NRC Staff Request for Additional Information On Davis-Besse Control Rod Drive Mechanism (CRDM) Nozzle Submittals
- BAW-10190P, Addendum 2, dated 12/97, "Safety Evaluation for Control Rod Drive Mechanism Nozzle J-Groove Weld"
- FRA-ANP Document 32-5012403-00, "OC-3 CRDM Nozzle Circumferential Flaw Evaluations," dated April 2001
- FRA-ANP Document 51-5013250-00, "CHECKWORKS RHNM PWSCC Risk Assessment," dated June 2001
- FRA-ANP Document 32-5013346-01, " Monte Carlo Evaluation of Circ. Flaws in B&WOG CRDM Nozzles," dated August 2001
- BAW-2213, "Leakage Assessment Through CRDM Nozzle and Closure Head," dated June 1994

FRA-ANP requested that Attachments 1 and 4 of the above letter dated October 30, 2001, be withheld from public disclosure pursuant to 10 CFR 2.790. 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 for 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.

ENCLOSURE 1

- (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.

FIRSTENERGY LETTER DATED OCTOBER 30, 2001 (SERIAL NUMBER 2743)

**REQUEST FOR WITHHOLDING PREVIOUSLY TRANSMITTED DOCUMENT
FROM PUBLIC DISCLOSURE**

FirstEnergy letter dated October 30, 2001 (Serial Number 2743), states that information previously included in the FirstEnergy letter dated October 17, 2001 (Serial Number 2735), and an electronic message from Dale Wuokko, FirstEnergy, to Stephen Sands, U.S. Nuclear Regulatory Commission, dated October 12, 2001, contained proprietary information but were not originally identified as containing proprietary information. The October 30, 2001, letter also included a copy of the proprietary information of concern. Included in the above letter dated October 30, 2001, was the Framatome ANP's (FRA-ANP) affidavit, executed by Jerald S. Holm dated October 19, 2001, describing the proprietary document included in the letters dated October 17, 2001 (Serial Number 2735), October 30, 2001 (Serial Number 2743), and the electronic message identified above:

- Structural Integrity Associates, Inc. Calculation, File Number W-ENTP-11Q-306, "Finite Element Gap Analysis of CRDM Penetrations (Davis-Besse)"

FRA-ANP requested that Attachment 5 to the above letter dated October 17, 2001, the electronic message, and the above letter dated October 30, 2001, be withheld from public disclosure pursuant to 10 CFR 2.790. 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 for 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.

As described above, the Structural Integrity Inc. calculation, which was provided in both the FirstEnergy letter dated October 17, 2001 (Serial Number 2735) and the electronic message from Dale Wuokko to Stephen Sands dated October 12, 2001, was not submitted as proprietary but later determined to be proprietary. While the proprietary information was publicly accessible for approximately one month, the staff has subsequently withdrawn it from public access.

ENCLOSURE 2

FIRSTENERGY LETTER DATED NOVEMBER 30, 2001 (SERIAL NUMBER 2747)

**SUPPLEMENTAL INFORMATION IN RESPONSE TO THE NOVEMBER 28, 2001 MEETING
REGARDING THE DAVIS-BESSE NUCLEAR POWER STATION RESPONSE TO NRC
BULLETIN 2001-01**

By letter from FirstEnergy dated November 30, 2001 (Serial Number 2747), and Framatome ANP's (FRA-ANP) affidavit executed by Jerald S. Holm, Manager - Product Licensing, dated November 29, 2001, the following documents were submitted:

- (2) Framatome ANP Document 51-5015816-00, "Stress Profile and K-Solution for DB Monte Carlo Analysis"
- (3) Framatome ANP Document 51-5015818-00, "Davis-Besse CRDM Nozzle Heat Information"

FRA-ANP requested that Attachments 2 and 6 to the above letter dated November 30, 2001, be withheld from public disclosure pursuant to 10 CFR 2.790. 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 for 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.

In addition, the same letter from FirstEnergy dated November 30, 2001 (Serial Number 2747), included FirstEnergy's affidavit executed by Steven P. Moffitt, Director - Technical Services, dated November 30, 2001, identifying the following document:

- (6) DBNPS CRDM Stress Analysis, Dominion Engineering, Inc. Calculation C-3206-00-1 (DBNPS Document 01-0761)

ENCLOSURE 3

FirstEnergy determined that Attachment 4 to the above letter dated November 30, 2001, be withheld from public disclosure pursuant to 10 CFR 2.790. FirstEnergy stated that the information should be considered exempt from mandatory public disclosure for the following reasons:

- E(i) The Davis-Besse Nuclear Power Station, Unit 1 (DBNPS-1) Stress Calculations for the CRDM nozzles have been held in confidence by FirstEnergy Nuclear Operating Company (FENOC).
- E(ii) The DBNPS-1 Stress Calculations for the CRDM nozzles contains information that is considered to be of a proprietary and confidential nature and is of the type customarily held in confidence by FENOC and not made available to the public. I (Steven P. Moffitt) am aware that other companies regard information of the kind contained in this document as proprietary and confidential.
- E(iii) The DBNPS-1 Stress Calculations for the CRDM nozzles are being transmitted to the U.S. Nuclear Regulatory Commission in confidence with the request that the information contained within the document be withheld from public disclosure.
- E(iv) The DBNPS-1 Stress Calculations for the CRDM nozzles is not available in public sources.
- E(v) The DBNPS-1 Stress Calculation for CRDM nozzles contains confidential and technical information regarding a process, methodology, or component, the application which results in a competitive advantage to FENOC. This information cannot be easily acquired by others.

FIRSTENERGY LETTER DATED FEBRUARY 14, 2002 (SERIAL NUMBER 2761)

**REACTOR PRESSURE VESSEL HEAD PENETRATION EXAMINATION PLANS FOR THE
DAVIS-BESSE NUCLEAR POWER STATION**

[It should be noted that the proprietary information included in the FirstEnergy letters dated February 14, 2002 (Serial Number 2761 and ENCLOSURE 4 to this letter) and July 16, 2002 (Serial Number 2799 and ENCLOSURE 5 to this letter) are identical.]

By letter from FirstEnergy dated February 14, 2002 (Serial Number 2761), Framatome ANP's (FRA-ANP) affidavit executed by James F. Mallay, Director Regulatory Affairs, dated February 4, 2001, the following proprietary document was submitted:

- Framatome ANP January 23, 2002, Presentation Slides UT Inspection Approach for Davis-Besse CRDM Nozzle Examinations

FRA-ANP requested that Attachment 2 to the above letter dated February 14, 2001, be withheld from public disclosure pursuant to 10 CFR 2.790. 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 for 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.

FIRSTENERGY LETTER DATED JULY 16, 2002 (SERIAL NUMBER 2799)

FOIA - 2002-0229: INFORMATION TO ASSIST THE NRC IN DETERMINING WHETHER THE INFORMATION IN THE REFERENCED FRAMATOME ANP VIEWGRAPHS FALLS WITHIN EXEMPTION (4) OF THE FOIA (5 U.S.C. 552(b)(4)) AND 10 CFR 9.17(a)(4)

[It should be noted that the proprietary information included in the FirstEnergy letters dated February 14, 2002 (Serial Number 2761 and ENCLOSURE 4 to this letter) and July 16, 2002 (Serial Number 2799 and ENCLOSURE 5 to this letter) are identical.]

By letter from FirstEnergy dated July 16, 2002 (Serial Number 2799), Framatome ANP's (FRA-ANP) affidavit executed by James F. Mallay, Director Regulatory Affairs, dated July 10, 2001, the following proprietary document was submitted:

- Framatome ANP January 23, 2002, Presentation Slides UT Inspection Approach for Davis-Besse CRDM Nozzle Examinations

FRA-ANP requested that the information be withheld from public disclosure pursuant to 10 CFR 2.790. 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 for 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.

ENCLOSURE 5