

September 8, 2003

Mr. Lew W. Myers  
Chief Operating Officer  
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

Dear Mr. Myers:

By letter from FirstEnergy dated July 23, 2003, and BWX Technologies, Inc. affidavit, executed by Douglas L. Garlock, dated June 5, 2003, the following proprietary document was submitted:

Davis-Besse Nuclear Power Station Unit No. 1 Welding Data Sheets For Reactor Vessel Closure Head; Weld Data Sheet No. WH-13, Revision No. 1, Weld Data Sheet No. WH-25, Revision No. 1, Weld Data Sheet No. WH-8, Alt. 1, Revision No. 3, Weld Data Sheet No. WH-8, Revision No. 0, and Weld Data Sheet No. WH-1, Revision No. 0.

BWX Technologies, Inc. requested that the proprietary information be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790. BWX Technologies, Inc. stated that the information should be considered exempt from mandatory public disclosure for the following reasons:

The Information constitutes trade secrets and business sensitive information.

Revealing the information to the public would likely cause harm to the competitive position of the licensees when bidding for contracts that implicate aforesaid proprietary information.

We have reviewed your submittal and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information. Therefore, the information marked as proprietary in your submittal of July 23, 2003, 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.

L. Myers

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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 Nuclear Regulatory Commission (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 301-415-3027.

Sincerely,

*/RA/*

Jon B. Hopkins, 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

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Jon B. Hopkins, Senior Project Manager, Section 2  
Project Directorate III  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

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**OFFICIAL RECORD COPY**

Davis-Besse Nuclear Power Station, Unit 1

cc:

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

Manager - Regulatory Affairs  
FirstEnergy Nuclear Operating Company  
Davis-Besse Nuclear Power Station  
5501 North State - Route 2  
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

Randel J. Fast, Plant Manager  
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  
Department of 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, OH 43604-6506

David Lochbaum, Nuclear Safety Engineer  
Union of Concerned Scientists  
1707 H Street NW, Suite 600  
Washington, DC 20006

The Honorable Dennis J. Kucinich  
United States House of Representatives  
Washington, D.C. 20515

The Honorable Dennis J. Kucinich, Member  
United States House of Representatives  
14400 Detroit Avenue  
Lakewood, OH 44107