September 14, 2005

Mr. Mark B. Bezilla
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, UNIT 1 - REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE (TAC NO. MC6888)

Dear Mr. Bezilla:

By letter to the U.S. Nuclear Regulatory Commission (NRC) dated August 28, 2005, FirstEnergy Nuclear Operating Company (FENOC) submitted an affidavit dated August 25, 2005, executed by Gayle F. Elliott, Manager, Product Licensing in Regulatory Affairs, for Framatome ANP (FANP), requesting that the information contained in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

> Davis-Besse Nuclear Power Station - Supplemental Information Regarding License Amendment Application to Support Mark B-HTP Fuel Design for Cycle 15 (License Amendment Request (LAR) 05-0002; TAC No. MC6888)

A non-proprietary copy of this document has been placed in the NRC's Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room under Accession No. ML052440398.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

a. This information reveals details of FANP's research and development plans and programs or their results.

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.

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 FANP.

d. The information reveals certain distinguishing aspects of a process, methodology, or component, the exclusive use of which provides a competitive advantage for FANP in product optimization or marketability.

e. The information is vital to a competitive advantage held by FANP, would be helpful to competitors to FANP, and would likely cause substantial harm to the competitive position of FANP.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the versions of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.390(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 documents. 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 also should 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 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 301-415-3965.

Sincerely,

/RA/

William A. Macon, Jr., 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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William A. Macon, Jr., Project Manager, Section 2
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Davis-Besse Nuclear Power Station, Unit 1

cc:

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