

April 25, 2008

Mr. Barry S. Allen
FirstEnergy Nuclear Operating Company
Davis-Besse Nuclear Power Station
Mail Stop A-DB-3080
5501 North State Route 2
Oak Harbor, OH 43449

SUBJECT: FIRSTENERGY NUCLEAR OPERATING COMPANY, REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR DAVIS-BESSE NUCLEAR POWER STATION, UNIT NO. 1 (TAC NOS. MD5240 and MD8326)

Dear Mr. Allen:

By letter dated September 18, 2007, FirstEnergy Operating Company submitted four affidavits dated July 9, August 7, August 9, and August 15, 2007 respectively, executed by Mr. Calvin R. Hastings, you requested that the information contained in the following documents be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

Caldon, Inc. ER-227 Rev. 1, "Profile Factor Calculation and Accuracy Assessment for the Davis Besse Unit 1 LEFM $\sqrt{+}$ Spool Pieces (Alden Report No. 310-01/C730)," dated September 2003. The corresponding affidavit is dated July 9, 2007.

Caldon Ultrasonics Engineering Report, ER-202 Rev. 3, "Bounding Uncertainty Analysis for Thermal Power Determination at Davis Besse Nuclear Power Station Using the LEFM $\sqrt{+}$ System," dated May 2007. The corresponding affidavit is dated August 7, 2007.

Caldon, Inc. Engineering Report, ER-202 Rev. 2, "Bounding Uncertainty Analysis for Thermal Power Determination at Davis Besse Nuclear Power Station Using the LEFM $\sqrt{+}$ System," dated July 2004. The corresponding affidavit is dated August 9, 2007.

Alden Research Laboratory, Inc. Report No. 310-01/C730, "Calibration of Two 18" Leading Edge Flow Meters for Caldon, Inc. Purchase Order Number 18350," dated October 2001. The corresponding affidavit is dated August 15, 2007.

The affidavits stated, in part, that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- i. The information sought to be withheld by public disclosure is owned and has been held in confidence by Cameron.
- ii. The information is of a type customarily held in confidence by Cameron and not customarily disclosed to the public. Cameron has a rational basis for determining the type of information customarily held in confidence by it and,

in that connection utilizes a system to determine when and whether to hold certain types of information in confidence. The application of that system and the substance of that system constitutes Cameron policy and provides the rational basis required. Furthermore, the information is submitted voluntarily and need not rely on the evaluation of any rational basis.

Additionally, you indicated that information is held in confidence if it falls in one or more of several types, the release of which might result in the loss of an existing or potential advantage, as follows:

- (a) The information reveals the distinguishing aspects of a process (or component, structure, tool, method, etc.) where prevention of its use by any of Cameron's competitors without license from Cameron constitutes a competitive economic advantage over the other companies.
 - (b) It consists of supporting data, including test data, relative to a process (or component, structure, tool, method, etc.), the application of which data secures a competitive economic advantage, e.g., by optimization or improved marketability.
 - (c) Its use by a competitor would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, and assurance of quality, or licensing a similar product.
 - (d) It reveals cost or price information, production capacities, budget levels, or commercial strategies of Cameron, its customers or suppliers.
 - (e) It reveals aspects of past, present or future Cameron or customer funded development plans and programs of potential customer value to Cameron.
 - (f) It contains patentable ideas, for which patent protection may be desirable.
- iii. The information is being transmitted to the commission in confidence, and, under the provisions of 10 CFR Section 2.390, it is to be received in confidence by the Commission.
 - iv. The information sought to be protected is not available in public sources or available information has not been previously employed in the same manner or method.

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 following documents 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:

Caldon, Inc. ER-227 Rev. 1, "Profile Factor Calculation and Accuracy Assessment for the Davis Besse Unit 1 LEFM $\sqrt{+}$ Spool Pieces (Alden Report No. 310-01/C730)," dated September 2003.

Caldon Ultrasonics Engineering Report, ER-202 Rev. 3, "Bounding Uncertainty Analysis for Thermal Power Determination at Davis Besse Nuclear Power Station Using the LEFM $\sqrt{+}$ System," dated May 2007.

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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 301-415-4037.

Sincerely,

/RA/

Thomas Wengert, Project Manager
Plant Licensing Branch III-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-346

cc: See next page

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/RA/

Thomas Wengert, Project Manager
Plant Licensing Branch III-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-346

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