

Barry S. Allen
Vice President - Nuclear

419-321-7676
Fax: 419-321-7582

December 3, 2009
L-09-319

10 CFR 50.90

ATTN: Document Control Desk
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

SUBJECT:

Davis-Besse Nuclear Power Station
Docket No. 50-346, License No. NPF-3

Request to Withhold From Public Disclosure: Structural Integrity Associates, Inc. Report Number 0800368.404, Revision 0, July 20, 2009 (TAC No. ME2310)

By correspondence dated September 28, 2009 (Accession Number ML092790438), FirstEnergy Nuclear Operating Company (FENOC) submitted a license amendment request to update the leak-before-break evaluation for the reactor coolant pump suction and discharge nozzle dissimilar metal welds. That submittal included the following technical evaluation, cited as Enclosure B (Accession Number ML092790439):

Structural Integrity Associates, Inc. (SIA) Report Number 0800368.404,
Revision 0, July 20, 2009.

On November 16, 2009, SIA informed FENOC this report contained proprietary information and should have been withheld from public disclosure in accordance with 10 CFR 2.390. During a teleconference on November 18, 2009, FENOC informed the NRC staff of the report's proprietary nature. On November 18, 2009, FENOC also documented this issue in the corrective action program.

Accordingly, it is respectfully requested that the report, which contains information proprietary to AREVA NP and SIA, be withheld from public disclosure in accordance with 10 CFR 2.390. Enclosure A provides the AREVA proprietary information affidavit. Enclosure B provides the SIA proprietary information affidavit. Proprietary and nonproprietary versions of the report, including updated AREVA and SIA affidavits, will be submitted separately.

A001
NRR

Correspondence regarding the proprietary classification of report, the AREVA affidavit (Enclosure A), or the SIA affidavit (Enclosure B), should reference the report number and be addressed to:

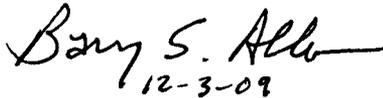
Gayle F. Elliott, Manager – Product Licensing
AREVA NP, Inc.
3315 Old Forest Road
Lynchburg, VA 24501

and/or

Moses Taylor, Jr., Senior Associate
Structural Integrity Associates, Inc.
5215 Hellyer Avenue, Suite 210
San Jose, CA 95138

There are no regulatory commitments contained in this submittal. If there are any questions or additional information is required, please contact Mr. Thomas A. Lentz, Manager – Fleet Licensing, at (330) 761-6071.

Sincerely,



12-3-09

Barry S. Allen

Enclosures:

- A. Affidavit - AREVA NP
- B. Affidavit - Structural Integrity Associates, Inc.

cc: NRC Region III Administrator
NRC Resident Inspector
NRC Project Manager
Utility Radiological Safety Board

accordance with 10 CFR 2.390. The information for which withholding from disclosure is requested qualifies under 10 CFR 2.390(a)(4) "Trade secrets and commercial or financial information."

6. The following criteria are customarily applied by AREVA NP to determine whether information should be classified as proprietary:

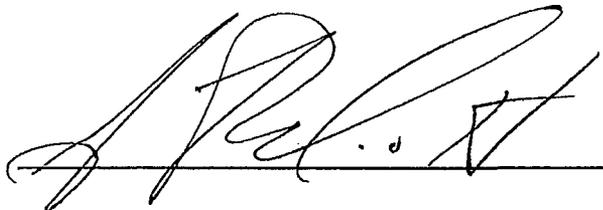
- (a) The information reveals details of AREVA NP's research and development plans and programs or their results.
- (b) Use of the information by a competitor would permit the competitor to significantly reduce its expenditures, in time or resources, to design, produce, or market a similar product or 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 AREVA NP.
- (d) The information reveals certain distinguishing aspects of a process, methodology, or component, the exclusive use of which provides a competitive advantage for AREVA NP in product optimization or marketability.
- (e) The information is vital to a competitive advantage held by AREVA NP, would be helpful to competitors to AREVA NP, and would likely cause substantial harm to the competitive position of AREVA NP.

The information in the Document is considered proprietary for the reasons set forth in paragraphs 6(b) and 6(c) above.

7. In accordance with AREVA NP's policies governing the protection and control of information, proprietary information contained in this Document have been made available, on a limited basis, to others outside AREVA NP only as required and under suitable agreement providing for nondisclosure and limited use of the information.

8. AREVA NP policy requires that proprietary information be kept in a secured file or area and distributed on a need-to-know basis.

9. The foregoing statements are true and correct to the best of my knowledge, information, and belief.

A handwritten signature in black ink, appearing to be 'D. R. Kidd', written over a horizontal line.

SUBSCRIBED before me this 20th
day of November, 2009.

A handwritten signature in black ink, reading 'Danita R. Kidd', written over a horizontal line.

Danita R. Kidd
NOTARY PUBLIC, STATE OF VIRGINIA
MY COMMISSION EXPIRES: 12/31/12
Reg. # 205569





November 20, 2009

AFFIDAVIT

I, Moses Taylor, Jr. state as follows:

- (1) I am a Senior Associate of Structural Integrity Associates, Inc. (SI) and have been delegated the function of reviewing the information described in paragraph (2) which is sought to be withheld, and have been authorized to apply for its withholding.
- (2) The information sought to be withheld is contained in SI Report 0800368.404, Rev. 0, "Leak-Before-Break Evaluation of Reactor Coolant Pump Suction and Discharge Nozzle Weld Overlays for Davis-Besse Nuclear Power Station." This calculation is to be treated as SI proprietary information, because it contains significant information that is deemed proprietary and confidential to AREVA NP. AREVA NP design input information was provided to SI in strictest confidence so that we could generate the aforementioned calculation on behalf of SI's client, FirstEnergy Nuclear Operating Company (FENOC).

Paragraph 3 of this Affidavit provides the basis for the proprietary determination.

- (3) SI is making this application for withholding of proprietary information on the basis that such information was provided to SI under the protection of a Proprietary/Confidentiality and Nondisclosure Agreement between SI and AREVA NP. In a separate Affidavit requesting withholding of such proprietary information prepared by AREVA NP, AREVA NP relies upon the exemption of disclosure set forth in NRC Regulation 10 CFR 2.390(a)(4) pertaining to "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (Exemption 4). As delineated in AREVA NP's Affidavit, the material for which exemption from disclosure is herein sought is considered proprietary for the following reasons (taken directly from Items 6(b) and 6(c) of AREVA NP's Affidavit):
 - a) 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; and

- b) The information includes test data or analytical techniques concerning a process, methodology, or component, the application of which results in a competitive advantage for AREVA NP.

Public disclosure of the information sought to be withheld is likely to cause substantial harm to AREVA NP with which SI has established a Proprietary/Confidentiality and Nondisclosure Agreement.

I declare under penalty of perjury that the above information and request are true, correct, and complete to the best of my knowledge, information, and belief.

Executed at San Jose, California on this 20th day of November, 2009.

Moses Taylor, Jr.
 Moses Taylor, Jr., P.E.
 Senior Associate
 Nuclear Plant Services

State of California

County of Santa Clara

Subscribed and sworn to (or affirmed) before me

on this 20 day of November, 2009.
Date Month Year

by

(1) Moses Taylor Jr.
Name of Signer

proved to me on the basis of satisfactory evidence to be the person who appeared before me (.)

(and

(2) _____
Name of Signer

proved to me on the basis of satisfactory evidence to be the person who appeared before me.)

Signature _____
Signature of Notary Public



Place Notary Seal and/or Stamp Above