



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
WASHINGTON, D.C. 20555-0001

February 1, 2010

Mr. Barry S. Allen  
Site Vice President  
FirstEnergy Nuclear Operating Company  
Davis-Besse Nuclear Power Station  
Mail Stop A-DB-3080  
5501 North State Route 2  
Oak Harbor, OH 43449-9760

SUBJECT: DAVIS-BESSE NUCLEAR POWER STATION, UNIT NO. 1 - REQUEST FOR  
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE  
(TAC NO. ME2310)

Dear Mr. Allen:

By letter to the Nuclear Regulatory Commission (NRC) dated December 3, 2009 (Agencywide Documents Access and Management System Accession No. ML093450484), FirstEnergy Nuclear Operating Company submitted two affidavits dated November 20, 2009, executed by Gayle F. Elliott, Manager, Product Licensing, AREVA NP Inc. and Moses Taylor, Jr., Senior Associate, Structural Integrity Associates, Inc. (SIA), requesting that information designated proprietary in the following document be withheld from public disclosure pursuant to paragraph (a)(4) of Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

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

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

- (a) The 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.
- (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 AREV NP.

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

Therefore, the version 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.

B. Allen

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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 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 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, please contact me at (301)415-3154.

Sincerely,

A handwritten signature in black ink that reads "Michael Mahany" followed by the letters "FOR" in a slightly larger, bolder script.

Stephen P. Sands, 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

Davis-Besse Nuclear Power Station Unit No. 1

cc:

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

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

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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.

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If you have any questions regarding this matter, please contact me at (301)415-4037.

Sincerely,

***/RA by MMahoney for/***

Stephen P. Sands, 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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