



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

April 6, 2017

Mr. Brian D. Boles
Site Vice President
FirstEnergy Nuclear Operating Company
Mail Stop A-DB-3080
5501 N. State Route 2
Oak Harbor, OH 43449-9760

SUBJECT: DAVIS-BESSE NUCLEAR POWER STATION, UNIT NO. 1 – REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE (CAC NO. MF9126)

Dear Mr. Boles:

By letter dated January 23, 2017 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML17026A004), as supplemented by letter dated March 23, 2017 (ADAMS Accession No. ML17086A019), FirstEnergy Nuclear Operating Company (FENOC, the licensee) submitted an evaluation in response to Davis-Besse Nuclear Power Station, Unit No. 1, License Renewal Commitment No. 54. The January 23 and March 23, 2017, letters and nonproprietary versions of the documents enclosed with these letters have been made publicly available.

The January 23, 2017, letter included an affidavit dated December 15, 2016, executed by Tom Ryan of AREVA Inc. (AREVA) requesting that 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:

- ANP-3542P, Revision 0, "Time-Limited Aging Analysis (TLAA) Regarding Reactor Vessel Internals Loss of Ductility for Davis-Besse Nuclear Power Station, Unit No. 1 at 60 Years."

The U.S. Nuclear Regulatory Commission (NRC) staff identified that some of the information which AREVA requested to be withheld appeared to be readily available to persons with knowledge of the plant. On February 24, 2017, the NRC staff discussed this issue with FENOC and AREVA personnel via teleconference.

By letter dated March 23, 2017, FENOC provided revised AREVA documents to "address incorrectly redacted information." This letter included a new affidavit dated February 20, 2017, executed by Tom Ryan of AREVA requesting that information contained in the following document be withheld from public disclosure pursuant to 10 CFR Part 2, Section 2.390:

- ANP-3542P, Revision 1, "Time-Limited Aging Analysis (TLAA) Regarding Reactor Vessel Internals Loss of Ductility for Davis-Besse Nuclear Power Station, Unit No. 1 at 60 Years."

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

- a. The information reveals details of AREVA's research and development plans and programs or their results.
- 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.
- c. The information reveals certain distinguishing aspects of a process, methodology, or component, the exclusive use of which provides a competitive advantage for AREVA in product optimization or marketability.

The NRC staff has reviewed the January 23 and March 23, 2017, submittals in accordance with the requirements of 10 CFR 2.390. On the basis of the statements in the February 20, 2017, affidavit, the staff has determined that the information in the March 23, 2017, letter sought to be withheld contains proprietary commercial information and should be withheld from public disclosure. Therefore, the information marked as proprietary in the March 23, 2017, letter 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.

The March 23, 2017, letter states that some of the information in the January 23, 2017, letter was incorrectly redacted, and a revised nonproprietary version of the AREVA evaluation was provided. In addition, with the February 20, 2017, affidavit, AREVA no longer claims that all the marked information in the January 23, 2017, letter is proprietary. Therefore, the information marked as proprietary in the January 23, 2017, letter 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, to the extent that the information was also marked as proprietary in the March 23, 2017, letter.

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 301-415-1380.

Sincerely,

A handwritten signature in black ink, appearing to read 'BL Purnell', with a long horizontal flourish extending to the right.

Blake Purnell, Project Manager
Plant Licensing Branch III
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-346

cc:

Ms. Beverly Watson
Project Manager
AREVA Inc.
3315 Old Forest Road OF-49
Lynchburg, VA 24501

Distribution via Listserv

SUBJECT: DAVIS-BESSE NUCLEAR POWER STATION, UNIT NO. 1 – REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE (CAC NO. MF9126) DATED APRIL 3, 2017.

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