



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

September 13, 2021

Mr. Terry J. Brown
Site Vice President
Energy Harbor Nuclear Corp.
Mail Stop P-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 REGARDING AN ANALYSIS OF REACTOR VESSEL INTERNAL COMPONENTS (EPID L-2021-LRO-0010)

Dear Mr. Brown:

By letter¹ to the U.S. Nuclear Regulatory Commission (NRC) dated March 10, 2021, Energy Harbor Nuclear Corp. (EHNC) submitted an analysis of certain reactor vessel internal components at the Davis-Besse Nuclear Power Station, Unit No. 1 (Davis-Besse). The letter also included an affidavit dated February 4, 2021, executed by Philip A. Opsal, Manager of Product Licensing for Framatome Inc., requesting that marked information contained in Enclosure A to the letter be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390. The letter, affidavit, and nonproprietary version of Enclosure A have been made publicly available.

The affidavit stated that the submitted information in Enclosure A constitutes proprietary trade secret information that should be withheld from public disclosure because:

1. 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.
2. The information includes test data or analytical techniques concerning a process, methodology, or component, the application of which results in a competitive advantage for Framatome.
3. The information reveals certain distinguishing aspects of a process, methodology, or component, the exclusive use of which provides a competitive advantage for Framatome in product optimization or marketability.

¹ Agencywide Documents Access and Management System (ADAMS) Package Accession No. ML21069A304.

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

We have reviewed your letter and the material in accordance with the requirements of 10 CFR 2.390 and, based on the statements in the affidavit, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure. Therefore, the 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 301-415-1380 or by email at Blake.Purnell@nrc.gov.

Sincerely,

/RA/

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

Docket No. 50-346

cc: Philip A. Opsal
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Gayle Elliott
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