

Response to Request for Additional Information  
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By letter dated July 21, 2022 (ADAMS Package Accession No. ML22202A429) Energy Harbor Nuclear Corp. submitted a reanalysis of the protection against low temperature reactor coolant system overpressure events for Davis-Besse Nuclear Power Station, Unit No. 1 (Davis-Besse). The letter included an affidavit (Enclosure A) from Framatome Inc. requesting that information provided in ANP-2718P-007 (Enclosure B), be withheld from public disclosure in accordance with 10 CFR 2.390. The U.S. Nuclear Regulatory Commission (NRC) staff has reviewed the affidavit and determined that additional information is needed for the staff to complete its determination regarding the request for withholding information in Enclosure B from public disclosure.

**RAI-1**

**The affidavit in Enclosure A states, in part, that Enclosure B “contains information of a proprietary and confidential nature and is of the type customarily held in confidence by Framatome Inc. and not made available to the public.”**

**Page 8-20 of Enclosure B indicates that the two paragraphs under “Development of LTOP [Low Temperature Overpressure Protection] Set Point” and table 8-8 are considered to be proprietary by Framatome. However, some of the information in these paragraphs and table 8-8 is not marked as proprietary in other parts of the document and is publicly available in the nonproprietary version of the document (Enclosure C). Some of this information is also publicly available in the technical specifications bases and updated final safety analysis report for Davis-Besse (ML20302A348).**

**Explain why all the information referenced above should be withheld from public disclosure given that some of the information is publicly available in other sources and was provided in the nonproprietary version of the document. The response should address the applicable requirements in 10 CFR 2.390(b)(ii) and (iii).**

Response:

Based on review of the information on page 8-20 of Enclosure B in the July 21, 2022 submittal, not all information in the referenced paragraph and table is proprietary. Therefore, the proprietary marking (brackets) for the referenced paragraph and table have been updated to only bracket the items that are confidential commercial information and therefore requested to be withheld from public disclosure.

To support this response and more accurately identify the proprietary information on page 8-20, document ANP-2718P-007Q1P, Revision 0, “Response to Request for Additional Information on Appendix G Pressure-Temperature Limits for 52 EFPY for the Davis-Besse Nuclear Power Station,” is provided as Enclosure B of this submittal. A non-proprietary version, document ANP-2718P-007Q1NP, is provided as Enclosure C.

Enclosure A  
L-22-229

Affidavit Pursuant to 10 CFR 2.390 for  
ANP-2718P-007 and ANP-2718P-007Q1P, Revision 0

(3 Pages Follow)



4. These Documents contain information of a proprietary and confidential nature and is of the type customarily held in confidence by Framatome Inc. and not made available to the public. Based on my experience, I am aware that other companies regard information of the kind contained in these Documents as proprietary and confidential.

5. These Documents have been made available to the U.S. Nuclear Regulatory Commission in confidence with the request that the information contained in these Documents be withheld from public disclosure. The request for withholding of proprietary information is made in 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 Framatome Inc. to determine whether information should be classified as proprietary:

- (a) The information reveals details of Framatome Inc.'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 Framatome Inc.
- (d) The information reveals certain distinguishing aspects of a process, methodology, or component, the exclusive use of which provides a competitive advantage for Framatome Inc. in product optimization or marketability.

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

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

7. In accordance with Framatome Inc.'s policies governing the protection and control of information, proprietary information contained in these Documents has been made available, on a limited basis, to others outside Framatome Inc. only as required and under suitable agreement providing for nondisclosure and limited use of the information.

8. Framatome Inc.'s 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.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 13, 2022.

A handwritten signature in cursive script, appearing to read "Philip A. Opsal", written in black ink.

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Philip A. Opsal