

September 8, 2003

Mr. Lew W. Myers
Chief Operating Officer
FirstEnergy Nuclear Operating Company
Davis-Besse Nuclear Power Station
5501 North State Route 2
Oak Harbor, OH 43449-9760

SUBJECT: DAVIS-BESSE NUCLEAR POWER PLANT - REQUEST FOR WITHHOLDING
INFORMATION FROM PUBLIC DISCLOSURE

Dear Mr. Myers:

By letter from FirstEnergy dated July 23, 2003, and BWX Technologies, Inc. affidavit, executed by Douglas L. Garlock, dated June 5, 2003, the following proprietary document was submitted:

Davis-Besse Nuclear Power Station Unit No. 1 Welding Data Sheets For Reactor Vessel Closure Head; Weld Data Sheet No. WH-13, Revision No. 1, Weld Data Sheet No. WH-25, Revision No. 1, Weld Data Sheet No. WH-8, Alt. 1, Revision No. 3, Weld Data Sheet No. WH-8, Revision No. 0, and Weld Data Sheet No. WH-1, Revision No. 0.

BWX Technologies, Inc. requested that the proprietary information be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790. BWX Technologies, Inc. stated that the information should be considered exempt from mandatory public disclosure for the following reasons:

The Information constitutes trade secrets and business sensitive information.

Revealing the information to the public would likely cause harm to the competitive position of the licensees when bidding for contracts that implicate aforesaid proprietary information.

We have reviewed your submittal and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information. Therefore, the information marked as proprietary in your submittal of July 23, 2003, will be withheld from public disclosure pursuant to 10 CFR 2.790(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 document. 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 Nuclear Regulatory Commission (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 needs additional information from you or 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 301-415-3027.

Sincerely,

/RA/

Jon B. Hopkins, Senior Project Manager, Section 2
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-346

cc: See next page

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Jon B. Hopkins, Senior Project Manager, Section 2
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

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Davis-Besse Nuclear Power Station, Unit 1

cc:

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