

June 16, 2005

Mr. Gary R. Leidich
President and Chief Nuclear Officer
FirstEnergy Nuclear Operating Company
76 South Main Street
Akron, OH 44308

SUBJECT: FIRSTENERGY NUCLEAR OPERATING COMPANY REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR BEAVER VALLEY POWER STATION, UNIT NOS. 1 AND 2, AND PERRY NUCLEAR POWER PLANT, UNIT NO. 1 (TAC NOS. MC7005, MC7006 AND MC7007)

Dear Mr. Leidich:

By letter to the U.S. Nuclear Regulatory Commission (NRC) dated May 18, 2005, FirstEnergy Nuclear Operating Company (FENOC) submitted an affidavit dated May 18, 2005, executed by yourself, requesting that the 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, and Part 9, Section 9.17(a)(4):

Beaver Valley Power Station, Unit Nos. 1 & 2 and Perry Nuclear Power Plant, Unit No. 1, Docket Nos. 50-334 & 50-440, and 50-412, Application for Order Consenting to Transfer of Licenses and Approving Conforming License Amendments

A nonproprietary copy of this document has been placed in the NRC's Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room.

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

- a. This information is and has been held in confidence by FENOC and its affiliates.
- b. This information is of a type that is held in confidence by FENOC and its affiliates, and there is a rational basis for doing so because the information contains sensitive financial competitive information concerning FENOC's affiliates' anticipated revenues and operating expenses.
- c. This information is being transmitted to the NRC in confidence.
- d. This information is not available in public sources and could not be gathered readily from other publicly available information.
- e. Public disclosure of this information would create substantial harm to the competitive position of FENOC by disclosing its internal financial pro forma

statements and the commercial terms of a unique transaction to other parties whose commercial interests may be adverse to those of FENOC.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and 10 CFR 9.17(a)(4) and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the versions 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.

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 301-415-3965.

Sincerely,

/RA/

William A. Macon, Jr., Project Manager, Section 2
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-334, 50-412, and 50-440

cc: See next page

June 16, 2005

and the commercial terms of a unique transaction to other parties whose commercial interests may be adverse to those of FENOC.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and 10 CFR 9.17(a)(4) and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the versions 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.

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 301-415-3965.

Sincerely,

/RA/

William A. Macon, Jr., Project Manager, Section 2
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-334, 50-412, and 50-440

cc: See next page

DISTRIBUTION:

PUBLIC	PDIII-2 R/F	RidsNrrDlpmLpdiii (A) (HNieh)
RidsNrrLADClarke	RidsNrrPMWmacon	RidsNrrDlpmLpdiii2 (GSuh)
SHom	RidsOgcMailCenter	RidsNrrPMTColburn
RidsRgn1MailCenter	RidsRgn3MailCenter	RidsNrrDlpmLpdi1(RLaufer)
RidsNrrLAMO'Brien	RidsNrrDlpmLpdi (JUhle)	

Accession Number: ML051540373

Nrr-084

OFFICE	PM:PDIII-2	LA:PDIII-2	SC:RPRP-C	SC:PDIII-2
NAME	WMacon	DClarke	AMcKeigney	GSuh
DATE	6/13/05	6/13/05	6/15/05	6/16/05

OFFICIAL RECORD COPY

Perry Nuclear Power Plant, Unit 1

cc:

David W. Jenkins
FirstEnergy Corporation
76 South Main St.
Akron, OH 44308

Resident Inspector's Office
U.S. Nuclear Regulatory Commission
P.O. Box 331
Perry, OH 44081-0331

Regional Administrator, Region III
U.S. Nuclear Regulatory Commission
2443 Warrenville Road
Lisle, IL 60532-4531

Sue Hiatt
OCRE Interim Representative
8275 Munson
Mentor, OH 44060

Manager - Regulatory Compliance
FirstEnergy Nuclear Operating Company
Perry Nuclear Power Plant
P.O. Box 97, A210
10 Center Road
Perry, OH 44081

Director, Site Operations
FirstEnergy Nuclear Operating Company
Perry Nuclear Power Plant
P.O. Box 97, SB306
Perry, OH 44081

Mayor, Village of North Perry
North Perry Village Hall
4778 Lockwood Road
North Perry Village, OH 44081

Donna Owens, Director
Ohio Department of Commerce
Division of Industrial Compliance
Bureau of Operations & Maintenance
6606 Tussing Road
P.O. Box 4009
Reynoldsburg, OH 43068-9009

Ohio Emergency Management Agency
2855 West Dublin Granville Road
Columbus, OH 43235-7150

Mayor, Village of Perry
P.O. Box 100
Perry, OH 44081-0100

Dennis Clum
Radiological Assistance Section Supervisor
Bureau of Radiation Protection
Ohio Department of Health
P.O. Box 118
Columbus, OH 43266-0118

Zack A. Clayton
DERR
Ohio Environmental Protection Agency
ATTN: Mr. Zack A. Clayton
P.O. Box 1049
Columbus, OH 43266-0149

Chairman
Perry Township Board of Trustees
3750 Center Road, Box 65
Perry, OH 44081

Daniel Z. Fisher
Transportation Department
Public Utilities Commission
180 East Broad Street
Columbus, OH 43215-3793

Joseph J. Hagan
Senior Vice President, Engineering and
Services
First Energy Nuclear Operating Company
76 South Main Street
Akron, OH 44308

Mr. Lew W. Myers
Chief Operating Officer
FirstEnergy Nuclear Operating Company
76 South Main Street
Akron, OH 44308

Carol O'Claire, Chief, Radiological Branch

Perry Nuclear Power Plant, Unit 1

cc:

Director, Regulatory Affairs
FirstEnergy Nuclear Operating Company
395 Ghent Road
Akron, OH 44333

Richard Anderson
Vice President
FirstEnergy Nuclear Operating Company
Perry Nuclear Power Plant
P.O. Box 97, A290
10 Center Road
Perry, OH 44081

Beaver Valley Power Station, Unit Nos. 1 and 2

cc:

Mary O'Reilly, Attorney
FirstEnergy Nuclear Operating Company
FirstEnergy Corporation
76 South Main Street
Akron, OH 44308

FirstEnergy Nuclear Operating Company
Regulatory Affairs/Performance
Improvement
Larry R. Freeland, Manager
Beaver Valley Power Station
Post Office Box 4, BV-A
Shippingport, PA 15077

Commissioner James R. Lewis
West Virginia Division of Labor
749-B, Building No. 6
Capitol Complex
Charleston, WV 25305

Director, Utilities Department
Public Utilities Commission
180 East Broad Street
Columbus, OH 43266-0573

Director, Pennsylvania Emergency
Management Agency
2605 Interstate Dr.
Harrisburg, PA 17110-9364

Ohio EPA-DERR
ATTN: Zack A. Clayton
Post Office Box 1049
Columbus, OH 43266-0149

Dr. Judith Johnsrud
National Energy Committee
Sierra Club
433 Orlando Avenue
State College, PA 16803

J. H. Lash, Plant Manager (BV-IPAB)
FirstEnergy Nuclear Operating Company
Beaver Valley Power Station
Post Office Box 4
Shippingport, PA 15077

Rich Janati, Chief
Division of Nuclear Safety
Bureau of Radiation Protection
Department of Environmental Protection
Rachel Carson State Office Building
P.O. Box 8469
Harrisburg, PA 17105-8469

Mayor of the Borough of Shippingport
P O Box 3
Shippingport, PA 15077

Regional Administrator, Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406

Resident Inspector
U.S. Nuclear Regulatory Commission
Post Office Box 298
Shippingport, PA 15077

FirstEnergy Nuclear Operating Company
Beaver Valley Power Station
ATTN: R. G. Mende, Director
Work Management (BV-IPAB)
Post Office Box 4
Shippingport, PA 15077

FirstEnergy Nuclear Operating Company
Beaver Valley Power Station
Mr. B. F. Sepelak
Post Office Box 4, BV-A
Shippingport, PA 15077

Mr. L. William Pearce
Vice President
FirstEnergy Nuclear Operating
Company
Beaver Valley Power Station
Post Office Box 4
Shippingport, PA 15077