

June 16, 2006

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

SUBJECT: FIRSTENERGY NUCLEAR OPERATING COMPANY, REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR BEAVER VALLEY POWER STATION, UNIT 1 AND 2, DAVIS-BESSE NUCLEAR POWER STATION, UNIT 1, AND PERRY NUCLEAR POWER PLANT, UNIT 1 (TAC NOS. MD2120, MD2121, MD2122, AND MD2123)

Dear Mr. Leidich:

By letter to the Nuclear Regulatory Commission (NRC) dated May 30, 2006, FirstEnergy Nuclear Operating Company (FENOC) submitted an affidavit dated May 30, 2006, executed by you. In the affidavit you requested that the information contained in the following documents be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

The proprietary versions of Exhibits A and B to FENOC letter L-06-071 dated May 30, 2006, containing certain financial *pro forma* statements related to anticipated revenues from sales of energy and capacity from Beaver Valley Power Station, Units 1 & 2, Davis-Besse Nuclear Power Station, Unit No. 1, and Perry Nuclear Power Plant, Unit No. 1; and confidential information regarding anticipated assets, liabilities and capital structure at the time of transfer.

Nonproprietary copies of these documents have 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. The 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 was 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, 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 301-415-1486.

Sincerely,

/RA/

Stephen Campbell, Project Manager
Plant Licensing Branch III-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-334, 50-412,
50-346, and 50-440

cc: See next page

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