

September 15, 2006

Mr. 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, UNITS 1 AND 2, DAVIS-BESSE NUCLEAR POWER STATION, UNIT NO. 1, AND PERRY NUCLEAR POWER PLANT, UNIT NO. 1 (TAC NOS. MD2182, MD2183, MD2184, AND MD2185)

Dear Mr. Leidich:

By letter to the Nuclear Regulatory Commission (NRC) dated August 15, 2006, FirstEnergy Nuclear Operating Company (FENOC) submitted an affidavit dated August 15, 2006, executed by you. In the affidavit you requested 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:

Enclosure 2 to FENOC's letter dated August 15, 2006 (Beaver Valley letter L-06-127, Davis-Besse letter Serial Number 3287, and Perry letter number PY-CEI/NRR-2984L) in support of its "Order Approving Transfer of Licenses to FirstEnergy Nuclear Generation Corp.", 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.

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. 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 version 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 J. 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

- 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 version 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 J. 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

DISTRIBUTION:

PUBLIC RidsAcrsAcnwMailCenter LPL3-2 R/F RidsNrrDorLp3-2 RidsRgn3MailCenter  
 RidsNrrPMSCampbell RidsNrrLASLittle RidsNrrLADClarke RidsNrrPMTColburn RidsNrrDprPfpb  
 TWengert, NRR

**ADAMS Accession No.:ML062410470**

**NRR-084**

OFFICE	PM:LPL3-2	PM:LPL1-1	LPL3-2	LA:LPL3-2	BC:DPR\PFPA(A)	BC:LPL3-2
NAME	SCampbell:mw	TColburn	TWengert	DClarke	MMarshall	DCollins
DATE	9/12/2006	9/14/2006	9/12 /2006	9/8/2006	9/15/2006	9/15/2006

Beaver Valley Power Station, Unit Nos. 1 and 2

cc:

Joseph J. Hagan  
Senior Vice President of Operations  
and Chief Operating Officer  
FirstEnergy Nuclear Operating Company  
Mail Stop A-GO-14  
76 South Main Street  
Akron, OH 44308

Danny L. Pace  
Senior Vice President, Fleet Engineering  
FirstEnergy Nuclear Operating Company  
Mail Stop A-GO-14  
76 South Main Street  
Akron, OH 44308

Jeannie M. Rinckel  
Vice President, Fleet Oversight  
FirstEnergy Nuclear Operating Company  
Mail Stop A-GO-14  
76 South Main Street  
Akron, OH 44308

David W. Jenkins, Attorney  
FirstEnergy Corporation  
Mail Stop A-GO-18  
76 South Main Street  
Akron, OH 44308

Manager, Fleet Licensing  
FirstEnergy Nuclear Operating Company  
Mail Stop A-GHE-107  
395 Ghent Road  
Akron, OH 44333

James H. Lash  
Site Vice President  
FirstEnergy Nuclear Operating Company  
Beaver Valley Power Station  
Mail Stop A-BV-SEB1  
P.O. Box 4, Route 168  
Shippingport, PA 15077

Lew W. Myers  
Executive Vice President, Special Projects  
FirstEnergy Nuclear Operating Company  
Beaver Valley Power Station

Mail Stop A-BV-SGRP  
P.O. Box 4, Route 168  
Shippingport, PA 15077

Manager, Site Regulatory Compliance  
FirstEnergy Nuclear Operating Company  
Beaver Valley Power Station  
Mail Stop A-BV-A  
P.O. Box 4, Route 168  
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  
P.O. Box 1049  
Columbus, OH 43266-0149

Beaver Valley Power Station, Unit Nos. 1 and 2 (continued)

cc:

Dr. Judith Johnsrud  
Environmental Coalition on Nuclear Power  
Sierra Club  
433 Orlando Avenue  
State College, PA 16803

Director  
Bureau of Radiation Protection  
Pennsylvania 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  
P.O. Box 298  
Shippingport, PA 15077

Davis-Besse Nuclear Power Station, Unit 1

cc:

Manager - Regulatory Affairs  
FirstEnergy Nuclear Operating Company  
Davis-Besse Nuclear Power Station  
5501 North State - Route 2  
Oak Harbor, OH 43449-9760

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

Regional Administrator  
U.S. Nuclear Regulatory Commission  
801 Warrenville Road  
Lisle, IL 60523-4351

Resident Inspector  
U.S. Nuclear Regulatory Commission  
5503 North State Route 2  
Oak Harbor, OH 43449-9760

Barry Allen, Plant Manager  
FirstEnergy Nuclear Operating Company  
Davis-Besse Nuclear Power Station  
5501 North State - Route 2  
Oak Harbor, OH 43449-9760

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

Carol O'Claire, Chief, Radiological Branch  
Ohio Emergency Management Agency  
2855 West Dublin Granville Road  
Columbus, OH 43235-2206

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

State of Ohio  
Public Utilities Commission  
180 East Broad Street  
Columbus, OH 43266-0573

Attorney General  
Office of Attorney General  
30 East Broad Street  
Columbus, OH 43216

President, Board of County  
Commissioners of Ottawa County  
Port Clinton, OH 43252

President, Board of County  
Commissioners of Lucas County  
One Government Center, Suite 800  
Toledo, OH 43604-6506

The Honorable Dennis J. Kucinich  
United States House of Representatives  
Washington, D.C. 20515

The Honorable Dennis J. Kucinich  
United States House of Representatives  
14400 Detroit Avenue  
Lakewood, OH 44107

Joseph J. Hagan  
Senior Vice President of Operations and  
Chief Operating Officer  
FirstEnergy Nuclear Operating Company  
Mail Stop A-GO-14  
76 South Main Street  
Akron, OH 44308

David W. Jenkins, Attorney  
FirstEnergy Corporation  
Mail Stop A-GO-18  
76 South Main Street  
Akron, OH 44308

Davis-Besse Nuclear Power Station, Unit 1

cc:

Danny L. Pace  
Senior Vice President, Fleet Engineering  
FirstEnergy Nuclear Operating Company  
Mail Stop A-GO-14  
76 South Main Street  
Akron, OH 44308

Manager, Fleet Licensing  
FirstEnergy Nuclear Operating Company  
Mail Stop A-GHE-107  
395 Ghent Road  
Akron, OH 44333

Manager, Site Regulatory Compliance  
FirstEnergy Nuclear Operating Company  
Davis-Besse Nuclear Power Station  
Mail Stop A-DB-3065  
5501 North State Route 2  
Oak Harbor, OH 43449-9760

Jeannie M. Rinckel  
Vice President, Fleet Oversight  
FirstEnergy Nuclear Operating Company  
Mail Stop A-GO-14  
76 South Main Street  
Akron, OH 44308

Mr. Mark B. Bezilla  
Vice President  
FirstEnergy Nuclear Operating Company  
Davis-Besse Nuclear Power Station  
Mail Stop A-DB-3080  
5501 North State Route 2  
Oak Harbor, OH 43449-9760

Perry Nuclear Power Plant, Unit 1

cc:

David W. Jenkins, Attorney  
FirstEnergy Corporation  
Mail Stop A-GO-18  
76 South Main Street  
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

Mayor, Village of North Perry  
North Perry Village Hall  
4449 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

Carol O'Claire, Chief, Radiological Branch  
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 of Operations and  
Chief Operating Officer  
First Energy Nuclear Operating Company  
Mail Stop A-GO-14  
76 South Main Street  
Akron, OH 44308

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



Perry Nuclear Power Plant, Unit 1

cc:

Danny L. Pace  
Senior Vice President, Fleet Engineering  
FirstEnergy Nuclear Operating Company  
Mail Stop A-GO-14  
76 South Main Street  
Akron, OH 44308

Jeannie M. Rinckel  
Vice President, Fleet Oversight  
FirstEnergy Nuclear Operating Company  
Mail Stop A-GO-14  
76 South Main Street  
Akron, OH 44308

Manager, Fleet Licensing  
FirstEnergy Nuclear Operating Company  
Mail Stop A-GHE-107  
395 Ghent Road  
Akron, OH 44333

L. W. Pearce  
Vice President  
FirstEnergy Nuclear Operating Company  
Perry Nuclear Power Plant  
Mail Stop A-PY-A290  
P.O. Box 97, 10 Center Road  
Perry, OH 44081-0097

Manager, Site Regulatory Compliance  
FirstEnergy Nuclear Operating Company  
Perry Nuclear Power Plant  
Mail Stop A-PY-A200  
P.O. Box 97, 10 Center Road  
Perry, OH 44081-0097

Richard Anderson  
Vice President  
FirstEnergy Nuclear Operating Company  
Perry Nuclear Power Plant  
Mail Stop A-PY-A290  
P.O. Box 97, 10 Center Road  
Perry, OH 44081-0097