



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

December 10, 2010

Mr. Mark B. Bezilla
Site Vice President
FirstEnergy Nuclear Operating Company
Mail Stop A-PY-A290
P.O. Box 97, 10 Center Road
Perry, OH 44081-0097

SUBJECT: PERRY NUCLEAR POWER PLANT, UNIT NO. 1 - REQUEST FOR
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
(TAC NO. ME4925)

Dear Mr. Bezilla:

By letter to the Nuclear Regulatory Commission (NRC) dated October 21, 2010 (Agencywide Documents Access and Management System Package Accession No. ML102980451), FirstEnergy Nuclear Operating Company submitted an affidavit dated August 12, 2010, executed by Andrew A. Lingenfelter, Vice President of Fuel Engineering at Global Nuclear Fuel – Americas, LLC (GNF-A), requesting that information designated as proprietary in the following document be withheld from public disclosure pursuant to paragraph (a)(4) and (b)(4) of Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

- GNF-A Class III proprietary report GNF-000-0088-8436-R1-P, "GNF Additional Information Regarding the Requested Changes to the Technical Specification SLMCPR, Perry Cycle 14", dated August 5, 2010.

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

- (a) Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by GNF-A's competitors without license from GNF-A constitutes a competitive economic advantage over GNF-A and/or other companies.
- (b) Information that, if used by a competitor, would reduce their expenditure of resources or improve their competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product.
- (c) Information that reveals aspects of past, present, or future GNF-A customer-funded development plans and programs, that may include potential products of GNF-A.
- (d) Information that discloses trade secret and/or potentially patentable subject matter for which it may be desirable to obtain patent protection.

We have reviewed your submittal in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavit, have determined that the 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 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 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 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, please contact me at (301)-415-3867.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Mahoney", with a long horizontal flourish extending to the right.

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

Docket No. 50-440

cc: See next page

We have reviewed your submittal in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavit, have determined that the 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.

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If you have any questions regarding this matter, please contact me at (301)-415-3867.

Sincerely,

/RA/

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

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cc: See next page

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