



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

February 17, 2016

Mr. David B. Hamilton
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 - REQUEST FOR WITHHOLDING
INFORMATION FROM PUBLIC DISCLOSURE (CAC NO. MF6412) (L-16-005)

Dear Mr. Hamilton:

By letter dated January 18, 2016 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML16018A003), FirstEnergy Nuclear Operating Company (FENOC) submitted an affidavit dated January 18, 2016, executed by Paul Harden, Senior Vice President and Chief Operating Officer, 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(a)(4) and 10 CFR 9.17(a)(4):

Exhibit G (Proprietary Version) FirstEnergy Nuclear Generation, LLC, Pro Forma
Income Statement and Cash Flows

A nonproprietary copy of this document has been placed in the Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the NRC library in ADAMS.

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.

D. Hamilton

- 2 -

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

Therefore, the 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 301-415-1627.

Sincerely,



Kimberly J. Green, Senior Project Manager
Plant Licensing Branch III-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-440

cc: Mr. Paul A. Harden
Senior Vice President and Chief Operating Officer
FirstEnergy Nuclear Operating Company
Perry Nuclear Power Plant
76 South Main Street
Akron, OH 44308

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/RA/

Kimberly J. Green, Senior Project Manager
Plant Licensing Branch III-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-440

cc: Mr. Paul A. Harden
Senior Vice President and Chief Operating Officer
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ADAMS Accession No.: ML16040A348

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