



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

May 21, 2019

Mr. David B. Hamilton
Senior Vice President, Chief Operating Officer, and Chief Nuclear Officer
FirstEnergy Nuclear Operating Company
341 White Pine Drive
Akron, OH 44320

SUBJECT: FENOC FLEET - BEAVER VALLEY POWER STATION, UNIT NOS. 1 AND 2;
DAVIS-BESSE NUCLEAR POWER STATION, UNIT NO. 1; AND PERRY
NUCLEAR POWER PLANT, UNIT NO. 1 – REQUEST FOR WITHHOLDING
INFORMATION FROM PUBLIC DISCLOSURE REGARDING APPLICATION
FOR ORDER CONSENTING TO TRANSFER OF LICENSES AND
CONFORMING LICENSE AMENDMENTS (EPID-L-2019-LLM-0000)

Dear Mr. Hamilton:

By letter dated April 26, 2019 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML19116A087), FirstEnergy Nuclear Operating Company (FENOC, the licensee) submitted an affidavit dated April 26, 2019, executed by Darin M. Benyak, Vice President, Nuclear Support and Regulatory Affairs, FirstEnergy Corp., 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 10 CFR 9.17:

Enclosure C, Unredacted Proprietary Exhibit H, "OwnerCo and Facility Pro Forma Income Statements" to the "Application for Order Consenting to Transfer of Licenses and Conforming License Amendments" for Beaver Valley Power Station, Unit Nos. 1 and 2; Davis-Besse Nuclear Power Station, Unit No. 1; and Perry Nuclear Power Plant, Unit No. 1, and their respective generally licensed independent spent fuel storage installation facilities (ISFSIs) (Proprietary). (Part of ADAMS Accession No. ML19116A088).

The following reasons were given in your affidavit for requesting our withholding of this information:

2. The Applicants are providing information in support of their "Application for Order Consenting to Transfer of Licenses and Conforming License Amendments." The proprietary version of Exhibit H being provided separately in Enclosure C of this submittal [letter dated April 26, 2019] contains financial information, including pro forma income statements, related to anticipated revenues from sales of electricity and capacity from Beaver Valley Power Station, Unit Nos. 1 and 2; Davis-Besse Nuclear Power Station, Unit No. 1; and Perry Nuclear Power Plant, Unit No. 1, as well as plant operating and maintenance costs. These documents constitute proprietary commercial and financial information that should be

held in confidence by the NRC pursuant to the policy reflected in 10 CFR 2.390(a)(4) and 10 CFR 9.17(a)(4), because:

- a. This information is and has been held in confidence by the Applicants and their affiliates.
- b. This information is of a type that is held in confidence by the Applicants and their affiliates, and there is a rational basis for doing so because the information contains sensitive financial competitive information concerning Applicants' anticipated cash flow.
- e. Public disclosure of this information would create substantial harm to the competitive position of the Applicants and their affiliates by disclosing their internal financial pro forma statements and commercial information to other parties whose commercial interests may be adverse to those of the Applicants.

We have reviewed your 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, Enclosure C 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.

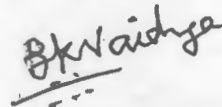
Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the 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.

The nonproprietary versions of the licensee submittal (Enclosure A, Exhibit H of the licensee's submittal ADAMS Accession No. ML19116A087) has been placed in the NRC's Public Document Room and added to the ADAMS Public Electronic Reading Room.

If you have any questions regarding this matter, I may be reached at 301-415-3308.

Sincerely,



Bhalchandra Vaidya, Project Manager
Plant Licensing Branch III
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

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

cc: Mr. Frank R. Payne
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Listserv

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| OFFICE | NRR/DORL/LPL3/PM | NRR/DORL/LPL3/LA | NRR/DLP/PFPB/BC |
| NAME | BVaidya | SRohrer | ABowers |
| DATE | 5/6/2019 | 5/6/2019 | 5/7/2019 |
| OFFICE | NRR/DORL/LPL3/PM | NRR/DORL/LPL3/BC | |
| NAME | BVaidya | DWrona | |
| DATE | 5/21/2019 | 5/21/2019 | |

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