



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

April 6, 2020

Mr. David B. Hamilton
Senior Vice President and Chief Nuclear Officer
Energy Harbor Nuclear Corp.
Mail Stop A-WAC-B2
341 White Pond Drive
Akron, OH 44320-1119

SUBJECT: ENERGY HARBOR - 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 RETROSPECTIVE PREMIUM GUARANTEE

Dear Mr. Hamilton:

By letter dated March 4, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20064C505), Energy Harbor Nuclear Corp (Energy Harbor, the licensee) submitted an affidavit dated March 3, 2020, executed by Darin M. Benyak, Vice President, Nuclear Support and Regulatory Affairs, Energy Harbor Nuclear Corp. and its affiliates, 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 390(a)(4) and 10 CFR 9.17(a)(4):

Enclosure C, Energy Harbor Nuclear Generation LLC 2020, Internal Cash Flow Projection 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 (Proprietary) (ADAMS Accession No. ML20064C506).

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

2. Energy Harbor Nuclear Corp. is providing information in support of its “Retrospective Premium Guarantee” submittal. The proprietary version of Enclosure C being provided in the submittal contains a 2020 cash flow projection for Energy Harbor Nuclear Generation, LLC and the projected revenue is based on the intercompany Power Supply Agreement dated February 27, 2020. This document constitutes proprietary commercial and financial information that should be held in confidence by the Nuclear Regulatory Commission (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 Energy Harbor Nuclear Corp. and its affiliates.

- b. This information is of a type that is held in confidence by Energy Harbor Nuclear Corp. and its affiliates, and there is a rational basis for doing so because the information contains sensitive financial competitive information concerning Energy Harbor Nuclear Generation, LLC's anticipated cash flow.
- e. Public disclosure of this information would create substantial harm to the competitive position of Energy Harbor Nuclear Generation, LLC by disclosing its internal cash flow.

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 Enclosure C (Enclosure A of the licensee's March 4, 2020, submittal) has been placed in the NRC's Public Document Room and added to the ADAMS Public Electronic Reading Room (ADAMS Accession No. ML20064C505).

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

Sincerely,

/RA/

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:

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Listserv

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ADAMS Accession No.: ML20066J845

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DATE	03/09/2020	03/09/2020	03/10/2020
OFFICE	NRR/DORL/LPL3/BC*	NRR/DORL/LPL3/PM	
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DATE	04/03/2020	04/06/2020	

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