



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

August 25, 2023

Mr. David B. Hamilton  
Executive Vice President  
and Chief Nuclear Officer  
Energy Harbor Nuclear Corp.  
168 E. Market Street  
Akron, OH 44308-2014

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE  
FOR BEAVER VALLEY POWER STATION, UNITS 1 AND 2, DAVIS BESSE  
NUCLEAR POWER STATION, UNIT 1, AND PERRY NUCLEAR POWER  
PLANT, UNIT 1

Dear Mr. Hamilton:

By letter dated March 31, 2023 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML23090A233), you submitted an affidavit dated March 31, 2023, executed by Darin M. Benyak, Senior Vice President, Fleet Operations, Energy Harbor Nuclear Corp. and you requested that the information contained in the following documents be withheld from public disclosure pursuant to Section 2.390 of Title 10 of the *Code of Federal Regulations* (10 CFR):

“Unredated Surety Bond and Riders”  
Enclosure D to “Submittal of the Decommissioning Funding Status Reports for Beaver Valley Power Station, Unit Nos. 1 and 2, Davis-Besse Nuclear Power Station, and Perry Nuclear Power Plant”

A nonproprietary copy of this document has been placed in the U.S. Nuclear Regulatory Commission’s (NRC’s) Public Document Room and added to the NRC Library in the ADAMS under Accession No. ML23090A234.

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

- a. The bonds contain information that is held in confidence by Applicants and their affiliates.
- b. This information is of a type that is customarily held in confidence by Applicants and their affiliates and there is a rational basis for doing so because the information contains sensitive financial information concerning the Applicants’ purchase of the bonds.
- 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 publicly available information.
- e. Public disclosure of this information would create substantial financial harm to the competitive position of Energy Harbor by disclosing their costs of purchasing bonds to other parties whose commercial interests may be adverse to those of Energy Harbor.

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, the version(s) 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, please contact me at 301-415-3733 or via e-mail at [Robert.Kuntz@nrc.gov](mailto:Robert.Kuntz@nrc.gov).

Sincerely,

*/RA/*

Robert F. Kuntz, Senior 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: Listserv

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR BEAVER VALLEY POWER STATION, UNITS 1 AND 2, DAVIS BESSE NUCLEAR POWER STATION, UNIT 1, AND PERRY NUCLEAR POWER PLANT, UNIT 1 DATED AUGUST 25, 2023

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**ADAMS Accession No. ML23129A172**

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DATE	8/25/23	8/25/23	

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