



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

November 24, 2014

Mr. Ernest J. Harkness  
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 1 - REQUEST FOR WITHHOLDING  
INFORMATION FROM PUBLIC DISCLOSURE (TAC NO. MF5007) (L-14-325)

Dear Mr. Harkness:

By letter to the U.S. Nuclear Regulatory Commission (NRC) dated October 8, 2014 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML14289A119), FirstEnergy Nuclear Operating Company submitted an affidavit dated August 27, 2014, executed by Lukas Trosman, Engineering Manager, Reload Design and Analysis at Global Nuclear Fuel – Americas, LLC (GNF-A), requesting that the information contained 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 proprietary report GNF-PLM-001N8277-R3-P, "GNF Additional Information Regarding the Requested Changes to the Technical Specification SLMCPR [Safety Limit Minimum Critical Power Ratio] Perry Cycle 16," dated August 2014.

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 other companies.
- (b) Information which, if used by a competitor, would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product.

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 in the GNF-A report GNF-PLM-001N8277-R3-P 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.

E. Harkness

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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 301-415-2315.

Sincerely,

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Eva A. Brown, Senior Project Manager  
Plant Licensing III-2 and  
Planning and Analysis Branch  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket No. 50-440

cc:

Lukas Trosman  
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Global Nuclear Fuel - Americas, LLC  
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Distribution via Listserv

