



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

December 18, 2013

Mr. Joseph M. Plona  
Senior Vice President and  
Chief Nuclear Officer  
DTE Electric Company  
Fermi 2 -210 NOC  
6400 North Dixie Highway  
Newport, MI 48166

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE  
FOR FERMI 2 (TAC NO. MF0446)

Dear Mr. Plona:

By letter to the U.S. Nuclear Regulatory Commission (NRC) dated December 21, 2012 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML13004A134), supplemented by letters dated July 9, 2013 (ADAMS Accession No. ML13191A748), and October 17, 2013 (ADAMS Accession No. ML13291A363), DTE Electric Company (DTE, or the licensee) submitted a license amendment request to amend the Fermi 2 Plant Operating License, Technical Specification Section 1.1, "Definitions", Section 3.4.10, "RCS Pressure and Temperature (P/T) Limits," and Section 5.6, "Reporting Requirements," by replacing the existing reactor vessel heatup and cooldown rate limits and the P/T limit curves with references to the Pressure and Temperature Limits Report at Fermi 2.

The proposed amendment also adopts the NRC approved methodology of the General Electric Hitachi (GEH) Nuclear Energy Licensing Topical Report NEDC-33178P-A, Revision 1, "General Electric Methodology for Development of Reactor Pressure Vessel Pressure-Temperature Curves," for the preparation of the Fermi 2 P/T limit curves.

**December 21, 2012, submittal:**

In a letter dated December 21, 2012 (ADAMS Accession No. ML13004A134), DTE submitted as Enclosure 6, two affidavits requesting that 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:

Proposed License Amendment to Revise and Relocate Pressure Temperature Curves to a Pressure Temperature Limits Report, Contained in Enclosure 1 of GE-Hitachi Nuclear Energy Americas LLC (GEH) letter, 1-2RXPKE-13, "GEH Response to GGNS PT Curve RAIs," dated October 19, 2012.

**1) Electric Power Research Institute, Inc (EPRI)**

EPRI affidavit dated October 4, 2012, which was replaced in a July 9, 2013, submittal by an affidavit executed on May 13, 2013, as Enclosure 9 (ADAMS Accession No. ML13191A748), by Neil Wilmshurst, the Vice President and Chief Nuclear Officer at EPRI. The May 13, 2013, affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- c. The information sought to be withheld is considered to be proprietary for the following reasons. EPRI made a substantial economic investment to develop the Proprietary Information and, by prohibiting public disclosure, EPRI derives an economic benefit in the form of licensing royalties and other additional fees from the confidential nature of the Proprietary Information. If the Proprietary information were publicly available to consultants and/or other businesses providing services in the electric and/or nuclear power industry, they would be able to use the Proprietary Information for their own commercial benefit and profit and without expending the substantial economic resources required of EPRI to develop the Proprietary Information.

**2) GE-Hitachi Nuclear Energy Americas LLC (GEH)**

GEH affidavit dated October 19, 2012 (resubmitted as Enclosure 4 to supplemental letter dated October 17, 2013), executed by Edward D. Schrull, Vice President, Regulatory Affairs Services Licensing, GEH. This affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- (4)a. Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by GEH's competitors without license from GEH constitutes a competitive economic advantage over other companies.
- (4)b. Information that, if used by a competitor, would reduce their expenditure of resources or improve their competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product.

The nonproprietary version of 1-2RXPCK-13, GEH Responses to GGNS PT Curve RAIs, is included as Enclosure 7 of the December 21, 2012, submittal.

**July 9, 2013 submittal:**

In a letter dated July 9, 2013, DTE submitted an affidavit as Enclosure 4 (ADAMS Accession No. ML13191A748), requesting that information contained in the following document be withheld from public disclosure pursuant to 10 CFR 2.390:

**1) Affidavit submitted by EPRI for the following document:**

"DTE Energy/Enrico Fermi Power Plant 2 Pressure and Temperature Limits Report Up to 24 and 32 Effective Full-Power Years" Contained in GE Hitachi Nuclear Energy Americas, NEDC-33785P, Revision 1, DRF Section 0000-0153-5712 R1, dated June 2013

DTE submitted an affidavit dated June 19, 2013, executed by Kurt Edsinger, Director of PWR and BWR Materials at EPRI, requesting that the information submitted for the above document be considered exempt from mandatory public disclosure for the following reasons:

- c. The information sought to be withheld is considered to be proprietary for the following reasons. EPRI made a substantial economic investment to develop the Proprietary Information and, by prohibiting public disclosure, EPRI derives an economic benefit in the form of licensing royalties and other additional fees from the confidential nature of the Proprietary Information. If the Proprietary Information were publicly available to consultants and/or other businesses providing services in the electric and/or nuclear power industry, they would be able to use the Proprietary Information for their own commercial benefit and profit and without expending the substantial economic resources required of EPRI to develop the Proprietary Information.

The non-proprietary version of NEDC-33785P, Revision 1, DRF Section 0000-0153-5712 R1, dated June 2013, is included as Enclosure 5 of the July 9, 2013, submittal.

**2) Affidavit submitted by GEH for the following document:**

Enclosure 1 of GEH letter, 317855-3, "GEH Revised Response to GGNS PT Curve RAI 8," dated June 17, 2013 (ADAMS Accession No. ML13191A746), (Enclosure 6).

GEH submitted an affidavit dated June 17, 2013, (Enclosure 7 of July 9, 2013, letter) executed by Linda C. Dolan, Manager, Regulatory Compliance, requesting that the information submitted for the above document be considered exempt from mandatory public disclosure for the following reasons:

- (4)a. Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by GEH's competitors without license from GEH constitutes a competitive economic advantage over other companies.
- (4)b. Information that, if used by a competitor, would reduce their expenditure of resources or improve their competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product.

The non-proprietary version of Enclosure 1, "GEH Revised Response to GGNS PT Curve RAI 8," is included as Enclosure 8 (ADAMS Accession No. ML13191A748) dated July 9, 2013.

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 affidavits, have determined that the

submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

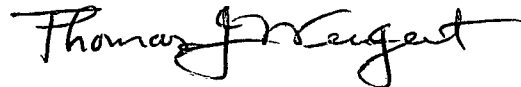
Therefore, the documents identified above marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

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 301-415-4037.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas J. Wengert". The signature is fluid and cursive, with the first name "Thomas" and last name "Wengert" clearly distinguishable.

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

Docket No. 50-341

cc: See next page

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Kurt Edsinger, Director  
PWR & BWR Materials  
Electric Power Research Institute  
3420 Hillview Avenue  
Palo Alto, CA 94304

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/RA/

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Plant Licensing Branch III-1  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

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