

William T. O'Connor, Jr.
Vice President, Nuclear Generation

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Proprietary Information Enclosed

DTE Energy



10 CFR 50.90

April 15, 2005
NRC-05-0033

U. S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington D C 20555-0001

- Reference: 1) Fermi 2
NRC Docket No. 50-341
NRC License No. NPF-43
- 2) Letter from Detroit Edison to NRC, "Proposed License Amendment Request to Revise the Reactor Coolant System Pressure and Temperature Limit Curves in Technical Specification 3.4.10," NRC-05-0011, dated March 17, 2005

Subject: Transmittal of the RPV Neutron Flux Evaluation Report in Support of the Request to Revise the Reactor Coolant System Pressure and Temperature Limit Curves in Technical Specification 3.4.10

In Reference 2, Detroit Edison proposed to amend the Fermi 2 Plant Operating License, Appendix A, Technical Specifications (TS) by revising TS 3.4.10, "Reactor Coolant System (RCS) Pressure and Temperature (P/T) Limits." Specifically, Reference 2 proposed replacing the P/T curves for Hydrostatic Pressure Test, Non-Nuclear Heatup and Cooldown, and Nuclear (Core Critical) Limits illustrated in TS Figure 3.4.10-1 with six recalculated separate curves for 24 and 32 Effective Full Power Years (EFPY) of reactor operation.

The NRC requested a copy of one supporting document referenced in the original submittal (Reference 2) to help in their review of the proposed license amendment.

Enclosure 1 provides a copy of the requested report No. GE-NE-0000-0031-6254, Revision 1, titled "DTE Energy, Fermi 2 Energy Center, Neutron Flux Evaluation," dated February 2005.

Some of the information contained in the General Electric (GE) Report provided in Enclosure 1 is considered GE proprietary and should be withheld from public

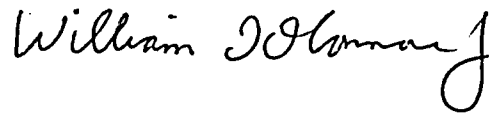
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disclosure in accordance with 10 CFR 9.17(a)(4) and 10 CFR 2.390(a)(4). An affidavit attesting to this fact is provided in Enclosure 2. A non-proprietary version of the GE Report is provided in Enclosure 3.

Should you have any questions or require additional information, please contact Mr. Norman K. Peterson of my staff at (734) 586-4258.

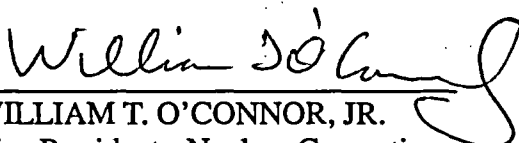
Sincerely,



Enclosures

cc: E. R. Duncan (w/o Enclosures)
N. K. Ray
NRC Resident Office (w/o Enclosures)
Regional Administrator, Region III (w/o Enclosures)
Supervisor, Electric Operators,
Michigan Public Service Commission (w/o Enclosures)

I, WILLIAM T. O'CONNOR, JR., do hereby affirm that the foregoing statements are based on facts and circumstances which are true and accurate to the best of my knowledge and belief.

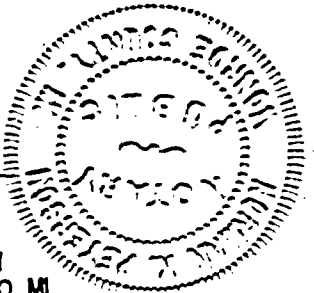

WILLIAM T. O'CONNOR, JR.
Vice President - Nuclear Generation

On this 15th day of April, 2005 before me personally appeared William T. O'Connor, Jr., being first duly sworn and says that he executed the foregoing as his free act and deed.



Notary Public

NORMAN K. PETERSON
NOTARY PUBLIC MONROE CO., MI
MY COMMISSION EXPIRES JUL 24, 2008



**ENCLOSURE 2
TO NRC-05-0033**

**TRANSMITTAL OF THE RPV
NEUTRON FLUX EVALUATION REPORT**

**GE'S AFFIDAVIT IN ACCORDANCE WITH
10 CFR 9.17(a)(4) & 10 CFR 2.390(a)(4)**

General Electric Company

AFFIDAVIT

I, George B. Stramback, state as follows:

- (1) I am Manager, Regulatory Services, General Electric Company ("GE") and have been delegated the function of reviewing the information described in paragraph (2) which is sought to be withheld, and have been authorized to apply for its withholding.
- (2) The information sought to be withheld is contained in GE report GE-NE-0000-0031-6254-R1, *DTE Energy Fermi-2 Energy Center Neutron Flux Evaluation*, Revision 1, Class III (GE Proprietary Information), dated February 2005. The proprietary information is delineated by a double underline inside double square brackets. Figures and large equation objects are identified with double square brackets before and after the object. In each case, the superscript notation⁽³⁾ refers to Paragraph (3) of this affidavit, which provides the basis for the proprietary determination.
- (3) In making this application for withholding of proprietary information of which it is the owner, GE relies upon the exemption from disclosure set forth in the Freedom of Information Act ("FOIA"), 5 USC Sec. 552(b)(4), and the Trade Secrets Act, 18 USC Sec. 1905, and NRC regulations 10 CFR 9.17(a)(4), and 2.390(a)(4) for "trade secrets" (Exemption 4). The material for which exemption from disclosure is here sought also qualify under the narrower definition of "trade secret", within the meanings assigned to those terms for purposes of FOIA Exemption 4 in, respectively, Critical Mass Energy Project v. Nuclear Regulatory Commission, 975F2d871 (DC Cir. 1992), and Public Citizen Health Research Group v. FDA, 704F2d1280 (DC Cir. 1983).
- (4) Some examples of categories of information which fit into the definition of proprietary information are:
 - a. Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by General Electric's competitors without license from General Electric 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;
 - c. Information which reveals aspects of past, present, or future General Electric customer-funded development plans and programs, resulting in potential products to General Electric;

- d. Information which discloses patentable subject matter for which it may be desirable to obtain patent protection.

The information sought to be withheld is considered to be proprietary for the reasons set forth in paragraphs (4)a., and (4)b, above.

- (5) To address 10 CFR 2.390 (b) (4), the information sought to be withheld is being submitted to NRC in confidence. The information is of a sort customarily held in confidence by GE, and is in fact so held. The information sought to be withheld has, to the best of my knowledge and belief, consistently been held in confidence by GE, no public disclosure has been made, and it is not available in public sources. All disclosures to third parties including any required transmittals to NRC, have been made, or must be made, pursuant to regulatory provisions or proprietary agreements which provide for maintenance of the information in confidence. Its initial designation as proprietary information, and the subsequent steps taken to prevent its unauthorized disclosure, are as set forth in paragraphs (6) and (7) following.
- (6) Initial approval of proprietary treatment of a document is made by the manager of the originating component, the person most likely to be acquainted with the value and sensitivity of the information in relation to industry knowledge. Access to such documents within GE is limited on a "need to know" basis.
- (7) The procedure for approval of external release of such a document typically requires review by the staff manager, project manager, principal scientist or other equivalent authority, by the manager of the cognizant marketing function (or his delegate), and by the Legal Operation, for technical content, competitive effect, and determination of the accuracy of the proprietary designation. Disclosures outside GE are limited to regulatory bodies, customers, and potential customers, and their agents, suppliers, and licensees, and others with a legitimate need for the information, and then only in accordance with appropriate regulatory provisions or proprietary agreements.
- (8) The information identified in paragraph (2), above, is classified as proprietary because it contains detailed results from application of the methodology contained in NEDC-32083P-A, Revision 1, *General Electric Methodology for Reactor Pressure Vessel Fast Neutron Flux Evaluation*. The information is detailed results of analytical models, methods, and processes, including computer code extension, which GE has developed, and applied to perform fast neutron flux calculations associated with BWR reactor pressure vessel evaluations.

The development of these methods to perform fast neutron flux calculations was achieved at a significant cost, on the order of ¼ million dollars, to GE.

The development of the evaluation process along with the interpretation and application of the analytical results is derived from the extensive experience database that constitutes a major GE asset.

beyond the extensive physical database and analytical methodology and includes development of the expertise to determine and apply the appropriate evaluation process. In addition, the technology base includes the value derived from providing analyses done with NRC-approved methods.

The research, development, engineering, analytical and NRC review costs comprise a substantial investment of time and money by GE.

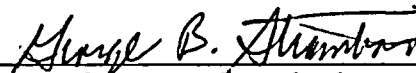
The precise value of the expertise to devise an evaluation process and apply the correct analytical methodology is difficult to quantify, but it clearly is substantial.

GE's competitive advantage will be lost if its competitors are able to use the results of the GE experience to normalize or verify their own process or if they are able to claim an equivalent understanding by demonstrating that they can arrive at the same or similar conclusions.

The value of this information to GE would be lost if the information were disclosed to the public. Making such information available to competitors without their having been required to undertake a similar expenditure of resources would unfairly provide competitors with a windfall, and deprive GE of the opportunity to exercise its competitive advantage to seek an adequate return on its large investment in developing these very valuable analytical tools.

I declare under penalty of perjury that the foregoing affidavit and the matters stated therein are true and correct to the best of my knowledge, information, and belief.

Executed on this 21st day of February 2005.



George B. Stramback
General Electric Company