

September 18, 2007

Mr. Jack M. Davis
Senior Vice President and Chief Nuclear Officer
Detroit Edison Company
Fermi 2 - 210 NOC
6400 North Dixie Highway
Newport, MI 48166

SUBJECT: FERMI 2 REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC
DISCLOSURE (TAC NO. MD5416)

Dear Mr. Davis:

By letter dated April 27, 2007, Detroit Edison Company (licensee) submitted an affidavit dated April 24, 2007, executed by Pankaj Chaudhary from Holtec International, 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 2.390:

Holtec Drawings 2357, 2541 and 2560

The affidavit was submitted to the U.S. Nuclear Regulatory Commission as part of an enclosure that contains proprietary information. In conversation with your staff, we have confirmed that the affidavit does not contain proprietary information. Therefore, we have requested your staff to submit affidavits accompanying a withholding request pursuant to 10 CFR 2.390 separate from proprietary enclosures in future submittals. 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 Holtec's competitors without license from Holtec International 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 application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the Holtec Drawings 2357, 2541 and 2560 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.

J. Davis

-2-

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 301-415-4093.

Sincerely,

/RA/

Adrian Muñiz, 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

J. Davis

-2-

September 18, 2007

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 301-415-4093.

Sincerely,

/RA/

Adrian Muñiz, 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

DISTRIBUTION

PUBLIC	RidsNrrLATHarris	RidsNrrDorlLpl3-1
LPL3-1 RF	RidsAcrsAcnwMailCenter	RidsRgn3MailCenter
RidsNrrPMAMuniz	JMarshall	TPham

Adams Accession Number: ML072360253

OFFICE	NRR/LPL3-1/PM	NRR/LPL3-1/LA	NMSS/FCSS/FFLD/MC&AB/BC	NRR/LPL3-1/(A)BC
NAME	AMuniz	THarris/ESW for	JMarshall	TTate/PST for
DATE	09/ 11 /07	09/ 11 /07	09/ 12 /07	09/18 /07

OFFICIAL RECORD COPY

Fermi 2

cc:

David G. Pettinari
Legal Department
688 WCB
Detroit Edison Company
2000 2nd Avenue
Detroit, MI 48226-1279

Mr. Joseph H. Plona
Vice President - Nuclear Generation
Detroit Edison Company
Fermi 2 - 210 NOC
6400 North Dixie Highway
Newport, MI 48166

Michigan Department of Environmental
Quality
Waste and Hazardous Materials Division
Radiological Protection and Medical Waste
Section
Nuclear Facilities Unit
Constitution Hall, Lower-Level North
525 West Allegan Street
P.O. Box 30241
Lansing, MI 48909-7741

Pankaj K. Chaudhary
Project Manager
Holtec International
Holtec Center
555 Lincoln Drive West
Marlton, NJ 08053

U.S. Nuclear Regulatory Commission
Resident Inspector's Office
6450 N Dixie Highway
Newport, MI 48166

Mr. M. V. Yudasz, Jr., Director
Monroe County Emergency Management
Division
965 South Raisinville Road
Monroe, MI 48161

Ronald W. Gaston
Manager, Nuclear Licensing
Detroit Edison Company
Fermi 2 - 200 TAC
6400 North Dixie Highway
Newport, MI 48166

Supervisor - Electric Operators
Michigan Public Service Commission
P.O. Box 30221
Lansing, MI 48909

Wayne County Emergency Management
Division
10250 Middlebelt Road
Detroit, MI 48242