



September 7, 1995
NRC-95-0098

U. S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, D. C. 20555

- References:
- 1) Fermi 2
NRC Docket No. 50-341
NRC License No. NPF-43
 - 2) NRC letter, FOIA-95A2 (94-507), Powell to Gipson, dated
March 7, 1995
 - 3) Detroit Edison letter to NRC, "Response to Request
Regarding Proprietary Information Submitted to the NRC
(FOIA-95A2 (94-507))", NRC-95-0057, dated
May 19, 1995
 - 4) NRC letter, FOIA 95-A-2 (94-507), Powell to Gipson, dated
August 16, 1995

Subject: Additional Justification to Withhold Selected Proprietary
Information from Public Disclosure (FOIA-95-A-2 (94-507))

By Reference 2 the Nuclear Regulatory Commission (NRC) requested that Detroit Edison provide information as to why specified documents or information in the documents provided to the NRC are proprietary and so fall within Exemption 4 of the Freedom of Information Act (FOIA) and 10 CFR 9.17(a)(4).

Detroit Edison and its vendors performed a comprehensive review of the documents and by Reference 3, submitted information on the proprietary nature of portions of the records. Reference 4 discussed that in some instances the NRC disagrees with Detroit Edison's determination, and provided copies of what the NRC plans to release to the public. Reference 4 also stated that the NRC will release the records 15 days from the date of the letter, unless appropriate legal action is taken or additional written justification is provided for withholding this

information. Upon request from Lynne Goodman, Director, Nuclear Licensing, Ms. Mary Jean Pool of the NRC staff extended the response date to September 7, 1995.

Detroit Edison reviewed the differences between what the NRC has determined releasable and what Detroit Edison and its vendors believe is proprietary. The NRC had discussed the release of some, but not all of these items with Lynne Goodman. Several items are of considerable concern to Detroit Edison's vendors and so additional information is being provided to support why the information is proprietary and needs to be withheld from public disclosure. Detroit Edison is supporting our vendors' position because it is necessary to maintain free flow of information between vendors and our personnel and not to have such information stifled due to concern about proprietary information being released to the public.

The additional justification is as follows:

1. Record 13 - Figures 6-3.1-1, 6-3.1-2, 6-3.1-3, and 6-3.1-4. These figures show the detailed results of a General Electric Company proprietary computer code. Availability of this information could provide a competitor an advantage by allowing access to the information without the large expenditures General Electric incurred in developing the code and results. Additionally, a competitor could use this information to acquire future business or to cause substantial harm to the competitive position of General Electric.
2. Record 5 - Page 6 - last bullet and Page 7 - 1st paragraph - remainder of last sentence after "9". GEC considers the statements in both sections to be not true and so misleading and potentially damaging if they were to be released for public viewing. GEC believes the statements could damage their competitive position in the international market.
3. Record 6 - Page 17 - Four calculated values for frequency are provided on the top half of the page. The actual calculated frequencies need to be withheld as proprietary information since they could be used advantageously by GEC's competitors. GEC developed a detailed model to determine these values. Allowing access to the results by a competitor would also give them a competitive edge by providing results without the large expenditures to develop the results. It should also be noted that the NRC agreed with withholding a list of these frequencies on pg. 16. The same rationale should be acceptable for withholding the results where they appear in the paragraphs on pg. 17.

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Detroit Edison expects the NRC to continue to withhold the above information identified as proprietary from public disclosure per 10 CFR 2.790 and 10 CFR 9.17(a)(4). Otherwise, per the provisions of 10 CFR 2.790.(c), Detroit Edison requests that Records 5, 6, and 13 be withdrawn and returned to Detroit Edison.

There are no commitments being made in this letter. If there are any questions or additional information is needed, please contact me at (313) 586-4097.

Sincerely,



Lynne S. Goodman
Director, Nuclear Licensing

cc: T. G. Colburn
M. J. Pool
A. Vogel
NRC Regional Administrator