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

August 5, 2020

Mr. Peter Dietrich
Senior Vice President and
Chief Nuclear Officer
DTE Electric Company
Fermi 2 - 260 TAC
6400 North Dixie Highway
Newport, MI 48166

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR FERMI 2 – REVISION TO THE PRESSURE AND TEMPERATURE LIMITS REPORT

Dear Mr. Dietrich:

By letter dated June 8, 2020 (Agencywide Document Access and Management System (ADAMS) Accession No. ML20160A461), DTE Energy Company submitted affidavits dated May 13, 2020, and May 14, 2020, executed by Neil Wilmshurst, Vice President and Chief Nuclear Officer of Electric Power Research Institute, Inc. (EPRI) and Michelle P. Catts, Senior Vice President of Regulatory Affairs for GE-Hitachi Nuclear Energy Americas LLC (GEH), respectively, which requested that the following information contained in Enclosure 2 to the DTE letter be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

> NEDC-33915P, "DTE Energy/Enrico Fermi Power Plant Unit 2 Pressure and Temperature Limits Report (PTLR) up to 52 Effective Full-Power Years," Revision 1, dated May 2020.

A nonproprietary copy of this document has been placed in the U.S. Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the NRC Library under ADAMS Accession No. ML20160A461.

The affidavit executed by GEH states that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- Information 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; and

- Information, if used by a competitor, would reduce its expenditure of resources or improve its competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product.

The affidavit executed by EPRI states that the proprietary information be withheld from public on the following bases:

- EPRI considers the proprietary information contained therein to constitute trade secrets of EPRI. As such, EPRI holds the information in confidence and disclosure thereof is strictly limited to individuals and entities who have agreed, in writing, to maintain the confidentiality of the Information;

- EPRI made a substantial economic investment to develop the proprietary information and, by prohibiting its public disclosure, EPRI derives an economic benefit in the form of licensing royalties and other additional fees. If the proprietary information were publicly available to consultants and/or businesses providing services in the electric and/or nuclear power industry, they would be able to use the information for their own commercial benefit and profit without expending the substantial economic resources required of EPRI to develop the information; and

- A public disclosure of the proprietary information would be highly likely to cause substantial harm to EPRI's competitive position and the ability of EPRI to license the proprietary information both domestically and internationally.

The NRC staff reviewed DTE's application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavit, have determined that the submitted 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 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 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, DTE should promptly notify the NRC. DTE 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, DTE will be notified in advance of any public disclosure.

If you have any questions regarding this matter, I may be reached at 301-415-1421 or by email at surinder.arora@nrc.gov.

Sincerely,

/RA/

Surinder Arora, Project Manager
Plant Licensing Branch III
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-341

cc: Listserv

Ms. Michelle P. Catts
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ADAMS Accession No. ML20203M248 ***by email concurrence**

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