

August 15, 2002

Mr. C. R. Hastings, President and CEO
Caldon, Inc.
1070 Banksville Avenue
Pittsburgh, PA 15216

SUBJECT: CALDON, INC. - REQUEST FOR WITHHOLDING INFORMATION FROM
PUBLIC DISCLOSURE (TAC NO. MB5106)

Dear Mr. Hastings:

By Carolina Power and Light Company's (CP&L's) application dated July 25, 2002, and your affidavit dated July 11, 2002, you submitted Caldon, Inc. Engineering Report: ER-267, "Bounding Uncertainty Analysis for Thermal Power Determination at CP&L Robinson Nuclear Power Station Using the LEFM Check Plus System," Revision 0, proprietary version and requested that it be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790. A nonproprietary copy of this document has been placed in the Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- a) It is information that is marketable in many ways. The extent to which such information is available to competitors diminishes the Caldon ability to sell products or services involving the use of the information.
- b) Each component of proprietary information pertinent to a particular competitive advantage is potentially as valuable as the total competitive advantage. If competitors acquire components of proprietary information, any one component may be the key to the entire puzzle, thereby depriving Caldon of a competitive advantage.
- c) Public disclosure of this proprietary information is likely to cause substantial harm to the competitive position of Caldon because it would enhance the ability of competitors to provide similar flow and temperature measurement systems and licensing defense services for commercial power reactors without commensurate expenses.

We have reviewed your material in accordance with the requirements of 10 CFR 2.790 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 version of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.790(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.

Sincerely,

/RA/

Ram Subbaratnam, Project Manager, Section 2
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-261

cc: See next page

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Sincerely,

/RA/

Ram Subbaratnam, Project Manager, Section 2
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

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DATE	8/13/02	8/13/02	8/14/02	8/14/02	8/14/02

OFFICIAL RECORD COPY

Carolina Power & Light Company

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Plant, Unit No. 2

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