

ENCLOSURE 2
CONTINUUM DYNAMICS AFFIDAVIT

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AFFIDAVIT

Re: C.D.I. Technical Note No. 08-12P "Limit Curve Analysis with ACM Rev. 4 for Power Ascension at Monticello," Revision 3

I, Barbara A. Agans, being duly sworn, depose and state as follows:

1. I hold the position of Director, Business Administration of Continuum Dynamics, Inc. (hereinafter referred to as C.D.I.), and I am authorized to make the request for withholding from Public Record the Information contained in the document described in Paragraph 2. This Affidavit is submitted to the Nuclear Regulatory Commission (NRC) pursuant to 10 CFR 2.390(a)(4) based on the fact that the attached information consists of trade secret(s) of C.D.I. and that the NRC will receive the information from C.D.I. under privilege and in confidence.
2. The Information sought to be withheld, as transmitted to Nuclear Management LLC as attachment to C.D.I. Letter No. 09121 dated 10 August 2009, C.D.I. Technical Note No. 08-12P "Limit Curve Analysis with ACM Rev. 4 for Power Ascension at Monticello," Revision 3
3. The Information summarizes:
 - (a) a process or method, including supporting data and analysis, where prevention of its use by C.D.I.'s competitors without license from C.D.I. constitutes a competitive 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 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 3(a), 3(b) and 3(c) above.

4. The Information has been held in confidence by C.D.I., its owner. The Information has consistently been held in confidence by C.D.I. and no public disclosure has been made and it is not available to the public. All disclosures to third parties, which have been limited, have been made pursuant to the terms and conditions contained in C.D.I.'s Nondisclosure Secrecy Agreement which must be fully executed prior to disclosure.

5. The Information is a type customarily held in confidence by C.D.I. and there is a rational basis therefore. The Information is a type, which C.D.I. considers trade secret and is held in confidence by C.D.I. because it constitutes a source of competitive advantage in the competition and performance of such work in the industry. Public disclosure of the Information is likely to cause substantial harm to C.D.I.'s competitive position and foreclose or reduce the availability of profit-making opportunities.

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

Executed on this 10th day of August 2009.



Barbara A. Agans
Continuum Dynamics, Inc.

Subscribed and sworn before me this day: 10 August 2009

Eileen P. Burmeister, Notary Public


EILEEN P. BURMEISTER
NOTARY PUBLIC OF NEW JERSEY
MY COMM. EXPIRES MAY 6, 2012