



February 25, 2011

L-2011-021
10 CFR 50.90

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555

Re: St. Lucie Plant Unit 2
Docket No. 50-389
Renewed Facility Operating License No. NPF-16

License Amendment Request for Extended Power Uprate

Pursuant to 10 CFR 50.90, FPL hereby submits a request for an amendment to Renewed Facility Operating License No. NPF-16 for St. Lucie Plant Unit 2.

The proposed LAR will increase the licensed core power level of Unit 2 from 2700 MWt to 3020 MWt and revise the Renewed Operating License and the Technical Specifications to support operation at this increased core thermal power level. This represents a net increase in licensed thermal power of approximately 11.85% and includes a 10.0% extended power uprate and a 1.7% measurement uncertainty recapture (MUR). The net increase from the current core thermal power level is calculated as follows:

$$(2700 \text{ MWt} \times 1.10) \times 1.017\% \approx 3020 \text{ MWt}$$
$$(3020 - 2700 \text{ MWt}) / 2700 \text{ MWt} = 11.85\%$$

Therefore, this amendment is an Extended Power Uprate (EPU). The increase in core thermal power is currently planned to be accomplished in the return to power following the spring 2012 refueling outage.

St. Lucie Unit 2 Amendment No. 9 dated March 1, 1985 (ML013600080) approved a Stretch Power Uprate from 2560 MWt to 2700 MWt. The proposed EPU core thermal power level represents an increase of approximately 18 percent from the original licensed thermal power level of 2560 MWt.

The proposed LAR was developed using the guidance provided in RS-001, "Review Standard for Extended Power Uprates," Revision 0, dated December 2003 as it applies to the design bases of St. Lucie Plant Unit 2. The proposed LAR was also developed

Approved

consistent with the format and content contained in the St. Lucie Unit 1 application for an EPU (ML103560419), which was modeled after the R.E. Ginna Nuclear Power Plant application for an EPU (ML051950123).

Plant modifications to support EPU are being implemented over time. A list of key plant modifications (plant changes) associated with the proposed EPU is provided in Attachment 5, Section 1.0.

Attachment 1 contains the Descriptions and Technical Justifications for the changes to the Renewed Facility Operating License, Technical Specifications, and License Basis. In accordance with 10 CFR 50.91(a)(1), FPL has completed a No Significant Hazards Consideration analysis and concludes that the changes proposed by this license amendment request present no significant hazards under the standards set forth in 10 CFR 50.92(c), and accordingly, a finding of "no significant hazards consideration" is justified. FPL's No Significant Hazards Consideration analysis is included in Attachment 1.

Attachment 2 contains the Supplemental Environmental Report. This report presents FPL's assessment of the environmental impacts associated with St. Lucie Units 1 and 2 EPU from the current licensed core rated power level of 2700 MWt to an updated core power level of 3020 MWt. This report demonstrates that the EPU will not significantly affect human health or the natural environment.

Attachment 3 contains the Renewed Facility Operating License, Technical Specifications Markups, and Clean Pages. This attachment is provided to facilitate identification of the proposed changes and retyped Operating License and Technical Specifications pages.

Attachment 4 contains the Technical Specifications Bases Markups. This attachment is provided as information only to facilitate identification of the proposed bases.

Attachment 5 contains the Licensing Report (LR). The LR follows the guidance of RS-001. The LR demonstrates that the EPU can be safely achieved, and that the increase will not be inimical to the common defense and security or to the health and safety of the public. The LR provides the details supporting the requested power uprate, and is supported by the other attachments to the LAR to provide a comprehensive evaluation of the effects of the EPU. The LR is supported by seven appendices: Appendix A - Safety Evaluation Report Compliance; Appendix B - Additional Codes and Methods; Appendix C - Grid Stability Analysis and System Impact Study for St. Lucie Plant with Proposed EPU; Appendix D - List of Key Acronyms; Appendix E - Supplement to Licensing Report Section 2.4.1, Reactor Protection, Engineered Safety Features Actuation, and Control Systems; Appendix F - Cameron Ultrasonics Engineering Reports; Appendix G - St. Lucie Unit 2 Criticality Analysis for EPU and Non-EPU.

Attachment 6 contains copies of the Proprietary Information Affidavits. The purpose of this attachment is to withhold the proprietary information contained in the specified tables and appendices of the LR (Attachment 5) from public disclosure. Attachment 5 contains information proprietary to Holtec International (Holtec), Cameron International

Corporation (Cameron), Westinghouse Electric Company, LLC (Westinghouse), and Areva NP Inc. (Areva). Affidavits signed by Westinghouse, Areva, Cameron, and Holtec as the owners of the information set forth the basis for which the information may be withheld from public disclosure by the Commission and address with specificity the considerations listed in paragraph (b)(4) of § 2.390 of the Commission's regulations. Accordingly, it is respectfully requested that the information which is proprietary to Holtec, Cameron, Westinghouse, and Areva be withheld from public disclosure in accordance with 10 CFR 2.390.

Correspondence with respect to the copyright or proprietary aspects of the items provided in Appendix G of Attachment 5 of this letter or the supporting Holtec affidavit should be addressed to Savit Sinha, Project Manager for the Extended Power Uprate, Holtec International, Holtec Center, 555 Lincoln Drive West, Marlton, NJ 08053.

Correspondence with respect to the copyright or proprietary aspects of the items provided in Appendix F of Attachment 5 of this letter or the supporting Cameron affidavit should reference CAW10-05 and should be addressed to Calvin R. Hastings, General Manager, Cameron International Corporation, Caldon® Ultrasonics Technology Center, 1000 McClaren Woods Drive, Coraopolis, PA 15108.

Correspondence with respect to the copyright or proprietary aspects of the items provided in Attachment 5 of this letter in LR Sections 2.2.2.1, 2.2.2.3, 2.2.2.4, 2.2.2.6, 2.2.3 and 2.8.3 or the supporting Westinghouse affidavit should reference CAW-11-3083 and be addressed to J. A. Gresham, Manager Regulatory Compliance and Plant Licensing, Westinghouse Electric Company LLC, P.O. Box 355, Pittsburgh, Pennsylvania 15230-0355.

Correspondence with respect to the copyright or proprietary aspects of the items provided in Attachment 5 of this letter in LR Sections 2.2.2.1 and 2.2.2.5 or the supporting AREVA affidavit should be addressed to Gayle F. Elliott, Manager, Product Licensing, Areva NP Inc., P.O. Box 10935, Lynchburg, VA 24506-0935.

Attachment 7, Summary of Regulatory Commitments, provides the regulatory commitments made based upon the analyses and plant changes that are summarized in Attachment 5.

Attachment 8, Core Operating Limits Report Markups, provides the proposed changes made to the Core Operating Limits Report and is provided for information only.

In accordance with 10 CFR 50.91, a copy of this license amendment request is being provided to the designated State of Florida official.

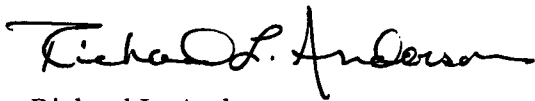
Approval of this license amendment request is requested by May 1, 2012 to allow implementation of the EPU following the 2012 Unit 2 refueling outage. Should you have any questions regarding the information provided in this submittal, please contact Mr.

Christopher Wasik, St. Lucie Extended Power Uprate LAR Project Manager, at 772-429-7138.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on February 25, 2011.

Very truly yours,

A handwritten signature in black ink, appearing to read "Richard L. Anderson". The signature is fluid and cursive, with the first name "Richard" and last name "Anderson" clearly legible.

Richard L. Anderson
Site Vice President
St. Lucie Plant

Attachments: 1 proprietary and 1 non-proprietary EPU LAR CD

cc: Administrator, Region II, USNRC
Project Manager, St. Lucie Nuclear Plant, USNRC
Senior Resident Inspector, St. Lucie Nuclear Plant, USNRC
Mr. William Passetti, Florida Department of Health

AFFIDAVIT

COMMONWEALTH OF VIRGINIA)
) ss.
CITY OF LYNCHBURG)

1. My name is Gayle F. Elliott. I am Manager, Product Licensing, for AREVA NP Inc. (AREVA NP) and as such I am authorized to execute this Affidavit.

2. I am familiar with the criteria applied by AREVA NP to determine whether certain AREVA NP information is proprietary. I am familiar with the policies established by AREVA NP to ensure the proper application of these criteria.

3. I am familiar with the AREVA NP information contained in Saint Lucie Unit 2 Extended Power Uprate (EPU) License Amendment Request (LAR), Section 2.2.2.5, entitled "Steam Generator and Supports," dated February 2011 and referred to herein as "Document." Information contained in this Document has been classified by AREVA NP as proprietary in accordance with the policies established by AREVA NP for the control and protection of proprietary and confidential information.

4. This Document contains information of a proprietary and confidential nature and is of the type customarily held in confidence by AREVA NP and not made available to the public. Based on my experience, I am aware that other companies regard information of the kind contained in this Document as proprietary and confidential.

5. This Document has been made available to the U.S. Nuclear Regulatory Commission in confidence with the request that the information contained in this Document be withheld from public disclosure. The request for withholding of proprietary information is made in accordance with 10 CFR 2.390. The information for which withholding from disclosure is

requested qualifies under 10 CFR 2.390(a)(4) "Trade secrets and commercial or financial information."

6. The following criteria are customarily applied by AREVA NP to determine whether information should be classified as proprietary:

- (a) The information reveals details of AREVA NP's research and development plans and programs or their results.
- (b) Use of the information by a competitor would permit the competitor to significantly reduce its expenditures, in time or resources, to design, produce, or market a similar product or service.
- (c) The information includes test data or analytical techniques concerning a process, methodology, or component, the application of which results in a competitive advantage for AREVA NP.
- (d) The information reveals certain distinguishing aspects of a process, methodology, or component, the exclusive use of which provides a competitive advantage for AREVA NP in product optimization or marketability.
- (e) The information is vital to a competitive advantage held by AREVA NP, would be helpful to competitors to AREVA NP, and would likely cause substantial harm to the competitive position of AREVA NP.

The information in the Document is considered proprietary for the reasons set forth in paragraphs 6(b) and 6(c) above.

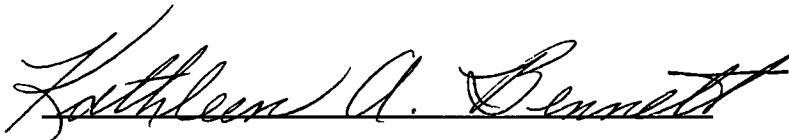
7. In accordance with AREVA NP's policies governing the protection and control of information, proprietary information contained in this Document have been made available, on a limited basis, to others outside AREVA NP only as required and under suitable agreement providing for nondisclosure and limited use of the information.

8. AREVA NP policy requires that proprietary information be kept in a secured file or area and distributed on a need-to-know basis.

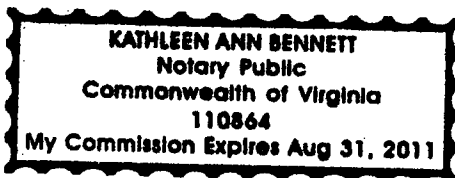
9. The foregoing statements are true and correct to the best of my knowledge, information, and belief.

A large, stylized handwritten signature in black ink, written over a horizontal line.

SUBSCRIBED before me this 4th
day of February 2011.

A handwritten signature in black ink, reading "Kathleen A. Bennett", written over a horizontal line.

Kathleen Ann Bennett
NOTARY PUBLIC, COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES: 8/31/11
Reg. # 110864



AFFIDAVIT

COMMONWEALTH OF VIRGINIA)
) ss.
CITY OF LYNCHBURG)

1. My name is Gayle F. Elliott. I am Manager, Product Licensing, for AREVA NP Inc. (AREVA NP) and as such I am authorized to execute this Affidavit.

2. I am familiar with the criteria applied by AREVA NP to determine whether certain AREVA NP information is proprietary. I am familiar with the policies established by AREVA NP to ensure the proper application of these criteria.

3. I am familiar with the AREVA NP information contained in Table 2.2.2.1-1, entitled "Maximum RCS Piping Stress and Usage Factor Results," and referred to herein as "Document." Information contained in this Document has been classified by AREVA NP as proprietary in accordance with the policies established by AREVA NP for the control and protection of proprietary and confidential information.

4. This Document contains information of a proprietary and confidential nature and is of the type customarily held in confidence by AREVA NP and not made available to the public. Based on my experience, I am aware that other companies regard information of the kind contained in this Document as proprietary and confidential.

5. This Document has been made available to the U.S. Nuclear Regulatory Commission in confidence with the request that the information contained in this Document be withheld from public disclosure. The request for withholding of proprietary information is made in accordance with 10 CFR 2.390. The information for which withholding from disclosure is

requested qualifies under 10 CFR 2.390(a)(4) "Trade secrets and commercial or financial information."

6. The following criteria are customarily applied by AREVA NP to determine whether information should be classified as proprietary:

- (a) The information reveals details of AREVA NP's research and development plans and programs or their results.
- (b) Use of the information by a competitor would permit the competitor to significantly reduce its expenditures, in time or resources, to design, produce, or market a similar product or service.
- (c) The information includes test data or analytical techniques concerning a process, methodology, or component, the application of which results in a competitive advantage for AREVA NP.
- (d) The information reveals certain distinguishing aspects of a process, methodology, or component, the exclusive use of which provides a competitive advantage for AREVA NP in product optimization or marketability.
- (e) The information is vital to a competitive advantage held by AREVA NP, would be helpful to competitors to AREVA NP, and would likely cause substantial harm to the competitive position of AREVA NP.

The information in the Document is considered proprietary for the reasons set forth in paragraphs 6(b) and 6(c) above.

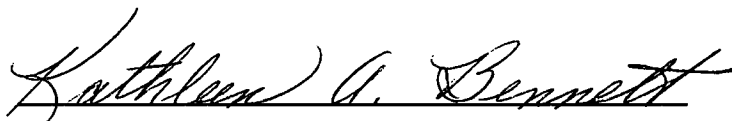
7. In accordance with AREVA NP's policies governing the protection and control of information, proprietary information contained in this Document have been made available, on a limited basis, to others outside AREVA NP only as required and under suitable agreement providing for nondisclosure and limited use of the information.

8. AREVA NP policy requires that proprietary information be kept in a secured file or area and distributed on a need-to-know basis.

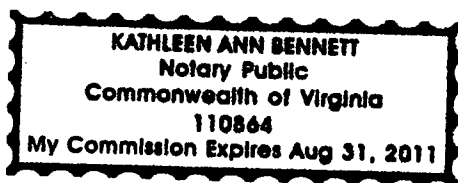
9. The foregoing statements are true and correct to the best of my knowledge,
information, and belief.

A handwritten signature in black ink, appearing to be 'J. R. H.', written over a horizontal line.

SUBSCRIBED before me this 7th
day of January 2011.

A handwritten signature in black ink, reading 'Kathleen A. Bennett', written over a horizontal line.

Kathleen Ann Bennett
NOTARY PUBLIC, COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES: 8/31/11
Reg. # 110864





Westinghouse Electric Company
Nuclear Services
P.O. Box 355
Pittsburgh, Pennsylvania 15230-0355
USA

U.S. Nuclear Regulatory Commission
Document Control Desk
Washington, DC 20555-0001

Direct tel: (412) 374-4643
Direct fax: (724) 720-0754
e-mail: greshaja@westinghouse.com
Project Ltr: FPL-11-12, Rev. 1

CAW-11-3083

January 19, 2011

APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE

Subject: Information Supporting St. Lucie Unit 2 Extended Power Uprate (EPU) (Proprietary)

The proprietary information for which withholding is being requested in the above-referenced report is further identified in Affidavit CAW-11-3083 signed by the owner of the proprietary information, Westinghouse Electric Company LLC. The affidavit, which accompanies this letter, sets forth the basis on which the information may be withheld from public disclosure by the Commission and addresses with specificity the considerations listed in paragraph (b)(4) of 10 CFR Section 2.390 of the Commission's regulations.

Accordingly, this letter authorizes the utilization of the accompanying affidavit by Florida Power & Light Company, in conjunction with its EPU application to the NRC

Correspondence with respect to the proprietary aspects of the application for withholding or the Westinghouse affidavit should reference this letter, CAW-11-3083, and should be addressed to J. A. Gresham, Manager, Regulatory Compliance and Plant Licensing, Westinghouse Electric Company LLC, P.O. Box 355, Pittsburgh, Pennsylvania 15230-0355.

Very truly yours,

A handwritten signature in black ink, appearing to read 'J. A. Gresham for'.

J. A. Gresham, Manager
Regulatory Compliance and Plant Licensing

Enclosures

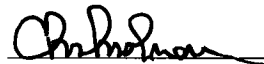
AFFIDAVIT

STATE OF CONNECTICUT:

ss *WINDSOR LOCKS*

COUNTY OF HARTFORD:

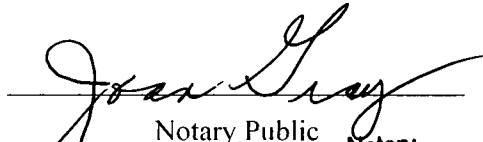
Before me, the undersigned authority, personally appeared C. M. Molnar, who, being by me duly sworn according to law, deposes and says that he is authorized to execute this Affidavit on behalf of Westinghouse Electric Company LLC ("Westinghouse"), and that the averments of fact set forth in this Affidavit are true and correct to the best of his knowledge, information, and belief:



C. M. Molnar, Senior Engineer

Regulatory Compliance and Plant Licensing

Sworn to and subscribed before me
this *19th* day of January, 2011



Notary Public
Subscribed and Sworn to before me, a Notary
Public, in and for County of *Hartford*
and State of Connecticut, this *19th* day
of *JANUARY*, 20 *11*.

JOAN GRAY

Notary Public

My Commission Expires January 31, 2012

- (1) I am Senior Engineer, Regulatory Compliance and Plant Licensing, in Nuclear Services, Westinghouse Electric Company LLC (Westinghouse), and as such, I have been specifically delegated the function of reviewing the proprietary information sought to be withheld from public disclosure in connection with nuclear power plant licensing and rule making proceedings, and am authorized to apply for its withholding on behalf of Westinghouse.
- (2) I am making this Affidavit in conformance with the provisions of 10 CFR Section 2.390 of the Commission's regulations and in conjunction with the Westinghouse Application for Withholding Proprietary Information from Public Disclosure accompanying this Affidavit.
- (3) I have personal knowledge of the criteria and procedures utilized by Westinghouse in designating information as a trade secret, privileged or as confidential commercial or financial information.
- (4) Pursuant to the provisions of paragraph (b)(4) of Section 2.390 of the Commission's regulations, the following is furnished for consideration by the Commission in determining whether the information sought to be withheld from public disclosure should be withheld.
 - (i) The information sought to be withheld from public disclosure is owned and has been held in confidence by Westinghouse.
 - (ii) The information is of a type customarily held in confidence by Westinghouse and not customarily disclosed to the public. Westinghouse has a rational basis for determining the types of information customarily held in confidence by it and, in that connection, utilizes a system to determine when and whether to hold certain types of information in confidence. The application of that system and the substance of that system constitutes Westinghouse policy and provides the rational basis required.

Under that system, information is held in confidence if it falls in one or more of several types, the release of which might result in the loss of an existing or potential competitive advantage, as follows:

- (a) The information reveals the distinguishing aspects of a process (or component, structure, tool, method, etc.) where prevention of its use by any of

Westinghouse's competitors without license from Westinghouse constitutes a competitive economic advantage over other companies.

- (b) It consists of supporting data, including test data, relative to a process (or component, structure, tool, method, etc.), the application of which data secures a competitive economic advantage, e.g., by optimization or improved marketability.
- (c) Its use 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 a similar product.
- (d) It reveals cost or price information, production capacities, budget levels, or commercial strategies of Westinghouse, its customers or suppliers.
- (e) It reveals aspects of past, present, or future Westinghouse or customer funded development plans and programs of potential commercial value to Westinghouse.
- (f) It contains patentable ideas, for which patent protection may be desirable.

There are sound policy reasons behind the Westinghouse system which include the following:

- (a) The use of such information by Westinghouse gives Westinghouse a competitive advantage over its competitors. It is, therefore, withheld from disclosure to protect the Westinghouse competitive position.
- (b) It is information that is marketable in many ways. The extent to which such information is available to competitors diminishes the Westinghouse ability to sell products and services involving the use of the information.
- (c) Use by our competitor would put Westinghouse at a competitive disadvantage by reducing his expenditure of resources at our expense.

- (d) 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 Westinghouse of a competitive advantage.
 - (e) Unrestricted disclosure would jeopardize the position of prominence of Westinghouse in the world market, and thereby give a market advantage to the competition of those countries.
 - (f) The Westinghouse capacity to invest corporate assets in research and development depends upon the success in obtaining and maintaining a competitive advantage.
- (iii) The information is being transmitted to the Commission in confidence and, under the provisions of 10 CFR Section 2.390; it is to be received in confidence by the Commission.
 - (iv) The information sought to be protected is not available in public sources or available information has not been previously employed in the same original manner or method to the best of our knowledge and belief.
 - (v) The proprietary information sought to be withheld in this submittal is that which is appropriately marked in Florida Power and Light's St. Lucie Unit 2 extended power uprate (EPU) submittal transmittal letter to the NRC, Attachment 5, Sections: 2.2.2.1; 2.2.2.3, 2.2.2.4; 2.2.2.6; 2.2.3; and 2.8.3, transmitted with an Application for Withholding Proprietary Information from Public Disclosure, to the Document Control Desk. The proprietary information as submitted by Westinghouse is that associated with the St. Lucie Unit 2 EPU license amendment request.

This information is part of that which enables Westinghouse to demonstrate for St. Lucie Unit 2 structural margins that will exist after the proposed EPU has been implemented.

Further, this information has substantial commercial value, as follows:

- (a) Westinghouse generated this information for St. Lucie Unit 2, solely for the support of that unit's planned EPU.
- (b) The information requested to be withheld reveals the stresses and margins for key plant components after the proposed EPU has been implemented.

Public disclosure of this proprietary information is likely to cause substantial harm to the competitive position of Westinghouse because it would enhance the ability of competitors to provide similar calculations and licensing defense services for commercial power reactors without commensurate expenses.

The development of the technology described in part by the information is the result of applying the results of many years of experience in an intensive Westinghouse effort and the expenditure of a considerable sum of money.

In order for competitors of Westinghouse to duplicate this information, similar technical programs would have to be performed and a significant manpower effort, having the requisite talent and experience, would have to be expended.

Further the deponent sayeth not.

PROPRIETARY INFORMATION NOTICE

Transmitted herewith are proprietary and/or non-proprietary versions of documents furnished to the NRC in connection with requests for generic and/or plant-specific review and approval.

In order to conform to the requirements of 10 CFR 2.390 of the Commission's regulations concerning the protection of proprietary information so submitted to the NRC, the information which is proprietary in the proprietary versions is contained within brackets, and where the proprietary information has been deleted in the non-proprietary versions, only the brackets remain (the information that was contained within the brackets in the proprietary versions having been deleted). The justification for claiming the information so designated as proprietary is indicated in both versions by means of lower case letters (a) through (f) located as a superscript immediately following the brackets enclosing each item of information being identified as proprietary or in the margin opposite such information. These lower case letters refer to the types of information Westinghouse customarily holds in confidence identified in Sections (4)(ii)(a) through (4)(ii)(f) of the affidavit accompanying this transmittal pursuant to 10 CFR 2.390(b)(1).

COPYRIGHT NOTICE

The documents transmitted herewith each bear a Westinghouse copyright notice. The NRC is permitted to make the number of copies of the information contained in these documents which are necessary for its internal use in connection with generic and plant-specific reviews and approvals as well as the issuance, denial, amendment, transfer, renewal, modification, suspension, revocation, or violation of a license, permit, order, or regulation subject to the requirements of 10 CFR 2.390 regarding restrictions on public disclosure to the extent such information has been identified as proprietary by Westinghouse, copyright protection notwithstanding. With respect to the non-proprietary versions of these documents, the NRC is permitted to make the number of copies beyond those necessary for its internal use which are necessary in order to have one copy available for public viewing in the appropriate docket files in the public document room in Washington, DC and in local public document rooms as may be required by NRC regulations if the number of copies submitted is insufficient for this purpose. Copies made by the NRC must include the copyright notice in all instances and the proprietary notice if the original was identified as proprietary.



Holtec Center, 555 Lincoln Drive West, Marlton, NJ 08053

Telephone (856) 797-0900

Fax (856) 797-0909

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk

AFFIDAVIT PURSUANT TO 10 CFR 2.390

I, Savit Sinha, depose and state as follows:

- (1) I am the Holtec International Project Manager for the Extended Power Uprate Analysis for St. Lucie Unit 2 Project and have reviewed the information described in paragraph (2) which is sought to be withheld, and am authorized to apply for its withholding.
- (2) The information sought to be withheld is Revision 1 of Holtec Report HI-2104753, which contains Holtec Proprietary information and is appropriately marked as such.
- (3) In making this application for withholding of proprietary information of which it is the owner, Holtec International relies upon the exemption from disclosure set forth in the Freedom of Information Act ("FOIA"), 5 USC Sec. 552(b)(4) and the Trade Secrets Act, 18 USC Sec. 1905, and NRC regulations 10CFR Part 9.17(a)(4), 2.390(a)(4), and 2.390(b)(1) for "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (Exemption 4). The material for which exemption from disclosure is here sought is all "confidential commercial information", and some portions also qualify under the narrower definition of "trade secret", within the meanings assigned to those terms for purposes of FOIA Exemption 4 in, respectively, Critical Mass Energy Project v. Nuclear Regulatory Commission, 975F2d871 (DC Cir. 1992), and Public Citizen Health Research Group v. FDA, 704F2d1280 (DC Cir. 1983).



Holtec Center, 555 Lincoln Drive West, Marlton, NJ 08053

Telephone (856) 797-0900

Fax (856) 797-0909

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk

AFFIDAVIT PURSUANT TO 10 CFR 2.390

- (4) Some examples of categories of information which fit into the definition of proprietary information are:
- 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.
 - c. Information which reveals cost or price information, production, capacities, budget levels, or commercial strategies of Holtec International, its customers, or its suppliers;
 - d. Information which reveals aspects of past, present, or future Holtec International customer-funded development plans and programs of potential commercial value to Holtec International;
 - e. 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 4.a and 4.b, above.

- (5) The information sought to be withheld is being submitted to the NRC in confidence. The information (including that compiled from many sources) is of



Holtec Center, 555 Lincoln Drive West, Marlton, NJ 08053

Telephone (856) 797-0900

Fax (856) 797-0909

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk

AFFIDAVIT PURSUANT TO 10 CFR 2.390

a sort customarily held in confidence by Holtec International, and is in fact so held. The information sought to be withheld has, to the best of my knowledge and belief, consistently been held in confidence by Holtec International. No public disclosure has been made, and it is not available in public sources. All disclosures to third parties, including any required transmittals to the NRC, have been made, or must be made, pursuant to regulatory provisions or proprietary agreements which provide for maintenance of the information in confidence. Its initial designation as proprietary information, and the subsequent steps taken to prevent its unauthorized disclosure, are as set forth in paragraphs (6) and (7) following.

- (6) Initial approval of proprietary treatment of a document is made by the manager of the originating component, the person most likely to be acquainted with the value and sensitivity of the information in relation to industry knowledge. Access to such documents within Holtec International is limited on a "need to know" basis.
- (7) The procedure for approval of external release of such a document typically requires review by the staff manager, project manager, principal scientist or other equivalent authority, by the manager of the cognizant marketing function (or his designee), and by the Legal Operation, for technical content, competitive effect, and determination of the accuracy of the proprietary designation. Disclosures outside Holtec International are limited to regulatory bodies, customers, and potential customers, and their agents, suppliers, and licensees, and others with a legitimate need for the information, and then only in accordance with appropriate regulatory provisions or proprietary agreements.
- (8) The information classified as proprietary was developed and compiled by Holtec International at a significant cost to Holtec International. This information is classified as proprietary because it contains detailed descriptions of analytical



Holtec Center, 555 Lincoln Drive West, Marlton, NJ 08053

Telephone (856) 797-0900

Fax (856) 797-0909

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk

AFFIDAVIT PURSUANT TO 10 CFR 2.390

approaches and methodologies not available elsewhere. This information would provide other parties, including competitors, with information from Holtec International's technical database and the results of evaluations performed by Holtec International. A substantial effort has been expended by Holtec International to develop this information. Release of this information would improve a competitor's position because it would enable Holtec's competitor to copy our technology and offer it for sale in competition with our company, causing us financial injury.

- (9) Public disclosure of the information sought to be withheld is likely to cause substantial harm to Holtec International's competitive position and foreclose or reduce the availability of profit-making opportunities. The information is part of Holtec International's comprehensive spent fuel storage technology base, and its commercial value extends beyond the original development cost. The value of the technology base goes beyond the extensive physical database and analytical methodology, and includes development of the expertise to determine and apply the appropriate evaluation process.

The research, development, engineering, and analytical costs comprise a substantial investment of time and money by Holtec International.

The precise value of the expertise to devise an evaluation process and apply the correct analytical methodology is difficult to quantify, but it clearly is substantial.

Holtec International's competitive advantage will be lost if its competitors are able to use the results of the Holtec International experience to normalize or verify their own process or if they are able to claim an equivalent understanding by demonstrating that they can arrive at the same or similar conclusions.



Holtec Center, 555 Lincoln Drive West, Marlton, NJ 08053

Telephone (856) 797-0900

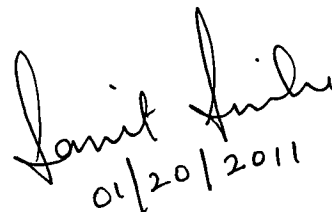
Fax (856) 797-0909

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk

AFFIDAVIT PURSUANT TO 10 CFR 2.390

The value of this information to Holtec International would be lost if the information were disclosed to the public. Making such information available to competitors without their having been required to undertake a similar expenditure of resources would unfairly provide competitors with a windfall, and deprive Holtec International of the opportunity to exercise its competitive advantage to seek an adequate return on its large investment in developing these very valuable analytical tools.

Executed at Marlton, New Jersey, this 20th day of January, 2011.



01/20/2011

Savit Sinha
Holtec International

1/20/11





Measurement Systems

Caldon® Ultrasonics Technology Center
1000 McClaren Woods Drive
Coraopolis, PA 15108
Tel 724-273-9300
Fax 724-273-9301
www.c-a-m.com

July 13, 2010
CAW 10-05

Document Control Desk
U. S. Nuclear Regulatory Commission
Washington, DC 20555

**APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE**

Subject:

1. Caldon® Ultrasonics Engineering Report ER-740 Rev. 0 "Bounding Uncertainty Analysis for Thermal Power Determination at St. Lucie Unit 1 & 2 Using the LEFM✓+ System"
2. Caldon® Ultrasonics Engineering Report No. ER-736 Rev. 3, "LEFM✓+ Meter Factor Calculation and Accuracy Assessment for St. Lucie Unit 2"

Gentlemen:

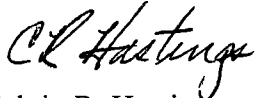
This application for withholding is submitted by Cameron International Corporation, a Delaware Corporation (herein called "Cameron") on behalf of its operating unit, Caldon Ultrasonics Technology Center, pursuant to the provisions of paragraph (b)(1) of Section 2.390 of the Commission's regulations. It contains trade secrets and/or commercial information proprietary to Cameron and customarily held in confidence.

The proprietary information for which withholding is being requested is identified in the subject submittal. In conformance with 10 CFR Section 2.390, Affidavit CAW 10-05 accompanies this application for withholding setting forth the basis on which the identified proprietary information may be withheld from public disclosure.

Accordingly, it is respectfully requested that the subject information, which is proprietary to Cameron, be withheld from public disclosure in accordance with 10 CFR Section 2.390 of the Commission's regulations.

Correspondence with respect to this application for withholding or the accompanying affidavit should reference CAW 10-05 and should be addressed to the undersigned.

Very truly yours,

A handwritten signature in black ink, appearing to read "C. R. Hastings". The signature is fluid and cursive, with the first name "Calvin" and last name "Hastings" clearly distinguishable.

Calvin R. Hastings
General Manager

Enclosures (Only upon separation of the enclosed confidential material should this letter and affidavit be released.)


AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

SS

COUNTY OF ALLEGHENY:

Before me, the undersigned authority, personally appeared Calvin R. Hastings, who, being by me duly sworn according to law, deposes and says that he is authorized to execute this Affidavit on behalf of Cameron International Corporation, a Delaware Corporation (herein called "Cameron") on behalf of its operating unit, Caldon Ultrasonics Technology Center, and that the averments of fact set forth in this Affidavit are true and correct to the best of his knowledge, information, and belief:



Calvin R. Hastings
General Manager

Sworn to and subscribed before me

this 13th day of

July, 2010



Notary Public

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Joann B. Thomas, Notary Public
Findlay Twp., Allegheny County
My Commission Expires July 28, 2011

Member, Pennsylvania Association of Notaries

1. I am the General Manager of Caldon Ultrasonics Technology Center, and as such, I have been specifically delegated the function of reviewing the proprietary information sought to be withheld from public disclosure in connection with nuclear power plant licensing and rulemaking proceedings, and am authorized to apply for its withholding on behalf of Cameron.
2. I am making this Affidavit in conformance with the provisions of 10 CFR Section 2.390 of the Commission's regulations and in conjunction with the Cameron application for withholding accompanying this Affidavit.
3. I have personal knowledge of the criteria and procedures utilized by Cameron in designating information as a trade secret, privileged or as confidential commercial or financial information. The material and information provided herewith is so designated by Cameron, in accordance with those criteria and procedures, for the reasons set forth below.
4. Pursuant to the provisions of paragraph (b) (4) of Section 2.390 of the Commission's regulations, the following is furnished for consideration by the Commission in determining whether the information sought to be withheld from public disclosure should be withheld.
 - (i) The information sought to be withheld from public disclosure is owned and has been held in confidence by Cameron.
 - (ii) The information is of a type customarily held in confidence by Cameron and not customarily disclosed to the public. Cameron has a rational basis for determining the types of information customarily held in confidence by it and, in that connection utilizes a system to determine when and whether to hold certain types of information in confidence. The application of that system and the substance of that system constitutes Cameron policy and provides the rational basis required. Furthermore, the information is submitted voluntarily and need not rely on the evaluation of any rational basis.

Under that system, information is held in confidence if it falls in one or more of several types, the release of which might result in the loss of an existing or potential advantage, as follows:

- (a) The information reveals the distinguishing aspects of a process (or component, structure, tool, method, etc.) where prevention of its use by any of Cameron's competitors without license from Cameron constitutes a competitive economic advantage over other companies.
- (b) It consists of supporting data, including test data, relative to a process (or component, structure, tool, method, etc.), the application of which data secures a competitive economic advantage, e.g., by optimization or improved marketability.
- (c) Its use by a competitor would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, and assurance of quality, or licensing a similar product.
- (d) It reveals cost or price information, production capacities, budget levels, or commercial strategies of Cameron, its customer or suppliers.
- (e) It reveals aspects of past, present or future Cameron or customer funded development plans and programs of potential customer value to Cameron.
- (f) It contains patentable ideas, for which patent protection may be desirable.

There are sound policy reasons behind the Cameron system, which include the following:

- (a) The use of such information by Cameron gives Cameron a competitive advantage over its competitors. It is, therefore, withheld from disclosure to protect the Cameron competitive position.

- (b) It is information that is marketable in many ways. The extent to which such information is available to competitors diminishes the Cameron ability to sell products or services involving the use of the information.
 - (c) Use by our competitor would put Cameron at a competitive disadvantage by reducing his expenditure of resources at our expense.
 - (d) 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 Cameron of a competitive advantage.
 - (e) Unrestricted disclosure would jeopardize the position of prominence of Cameron in the world market, and thereby give a market advantage to the competition of those countries.
 - (f) The Cameron capacity to invest corporate assets in research and development depends upon the success in obtaining and maintaining a competitive advantage.
- (iii) The information is being transmitted to the Commission in confidence, and, under the provisions of 10 CFR §§ 2. 390, it is to be received in confidence by the Commission.
 - (iv) The information sought to be protected is not available in public sources or available information has not been previously employed in the same manner or method to the best of our knowledge and belief.

(v) The proprietary information sought to be withheld are the submittals titled:

- Caldon[®] Ultrasonics Engineering Report ER-740 Rev. 0 “Bounding Uncertainty Analysis for Thermal Power Determination at St. Lucie Unit 1 & 2 Using the LEFM✓+ System”
- Caldon[®] Ultrasonics Engineering Report No. ER-736 Rev. 3, “LEFM✓+ Meter Factor Calculation and Accuracy Assessment for St. Lucie 2.”

It is designated therein in accordance with 10 CFR §§ 2.390(b)(1)(i)(A,B), with the reason(s) for confidential treatment noted in the submittal and further described in this affidavit. This information is voluntarily submitted for use by the NRC Staff in their review of the accuracy assessment of the proposed methodology for LEFM CheckPlus System used by St. Lucie Unit 2 for an MUR UPRATE.

Public disclosure of this proprietary information is likely to cause substantial harm to the competitive position of Cameron 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. Also, public disclosure of the information would enable others to use the information to meet NRC requirements for licensing documentation without the right to use the information.

The development of the technology described in part by the information is the result of applying the results of many years of experience in an intensive Cameron effort and the expenditure of a considerable sum of money.

In order for competitors of Cameron to duplicate this information, similar products would have to be developed, similar technical programs would have to be performed, and a significant manpower effort, having the requisite talent and experience, would have to be expended for developing analytical methods and receiving NRC approval for those methods.

Further the deponent sayeth not.