



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

August 30, 2012

Mr. Jon A. Franke, Vice President  
Crystal River Nuclear Plant (NA2C)  
ATTN: Supervisor, Licensing & Regulatory Programs  
15760 W. Power Line Street  
Crystal River, FL 34428-6708

SUBJECT: CRYSTAL RIVER NUCLEAR PLANT, UNIT NO. 3 - REQUEST FOR  
WITHHOLDING PROPRIETARY INFORMATION FROM PUBLIC DISCLOSURE  
RELATED TO EXTENDED POWER UPRATE TECHNICAL REPORT  
(TAC NO. ME6527)

Dear Mr. Franke:

By letter dated June 15, 2011, as supplemented by letters dated July 5, 2011; August 11, 2011 (two letters); August 18 and 25, 2011; October 11 and 25, 2011; December 15, 2011 (two letters); December 21, 2011; January 5, 2012 (two letters); January 19, 2012 (two letters); January 31, 2012; March 19, 2012; March 22, 2012; April 4, 2012 (two letters); April 12, 2012; April 16, 2012; April 26, 2012, June 18, 2012; June 29, 2012; and July 17, 2012 (two letters), Florida Power Corporation, doing business as Progress Energy Florida, Inc., submitted a license amendment request for an extended power uprate to increase thermal power level from 2609 megawatts thermal (MWt) to 3014 MWt for Crystal River Unit 3 Nuclear Generating Plant. In your letter dated August 11, 2011, providing supplemental information, you requested that the Siemens Energy, Incorporated (Siemens) proprietary information included in Enclosure 1 of this letter be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations*, Part 2, Section 2.390 (10 CFR 2.390). An affidavit dated August 10, 2011, executed by John P. Musone of Siemens, and included as Attachment B to your letter dated August 11, 2011, was provided requesting that information contained in the following document be withheld from public disclosure pursuant to 10 CFR 2.390:

Enclosure 1 of a letter dated August 11, 2011 – “Siemens Technical Report CT-27438, “Missile Probability Analysis Report Progress Energy Crystal River 3,” Revision 1 (Confidential)”

A nonproprietary copy of the document entitled “Siemens Technical Report CT-27438, “Missile Probability Analysis Report Progress Energy Crystal River 3,” Revision 1A (For Public Record)” contained in Enclosure 2 of your letter dated August 11, 2011, has been placed in the Nuclear Regulatory Commission’s (NRC’s) Public Document Room and added to the NRC Library in the Agencywide Documents Access and Management System.

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

9. Public disclosure of the MPAR [Missile Probability Analysis Report] would
  - (i) Provide a windfall shortcut for Siemens competitors to obtain Siemens’ rotor design and analysis parameters and thereby replicate Siemens components, and
  - (ii) allow Siemens competitors to glean the capabilities

and limits of Siemens' technology. This confidential information is invaluable when competing and akin to having the opposing team's playbook before and during the big game.

We have reviewed your application and material in accordance with the requirements of 10 CFR 2.390 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.

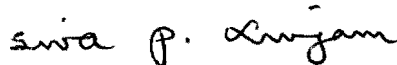
Therefore, the version of the information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

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, 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.

If you have any questions regarding this matter, I may be reached at 301-415-1564.

Sincerely,



Siva P. Lingam, Project Manager  
Plant Licensing Branch II-2  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket No. 50-302

cc: Mr. John P. Musone  
Assistant secretary  
Siemens Energy, Inc.  
4400 Alafaya Trail  
Orlando, FL 32826

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*/ra/*  
Siva P. Lingam, Project Manager  
Plant Licensing Branch II-2  
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Office of Nuclear Reactor Regulation

Docket No. 50-302

cc: Mr. John P. Musone  
Assistant secretary  
Siemens Energy, Inc.  
4400 Alafaya Trail  
Orlando, FL 32826

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