

J. Todd Conner
Site Vice President

DTE Energy Company
6400 N. Dixie Highway, Newport, MI 48166
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Email: connerj@dteenergy.com

DTE Energy



10 CFR 50.90

June 7, 2013
NRC-13-0032

U. S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington D C 20555-0001

- References: 1) Fermi 2
NRC Docket No. 50-341
NRC License No. NPF-43
- 2) DTE Electric Company Letter to NRC, "License Amendment Request for Measurement Uncertainty Recapture (MUR) Power Uprate," NRC-13-0004, dated February 7, 2013 (ML13043A659)
- 3) DTE Electric Company Letter to NRC, "Response to Supplemental Information Request for Acceptance of License Amendment Request for Measurement Uncertainty Recapture Power Uprate," NRC-13-0019, dated April 5, 2013 (ML13095A456)

Subject: Response to Request for Additional Information
and Revised Affidavits for Measurement Uncertainty
Recapture Power Uprate License Amendment Request

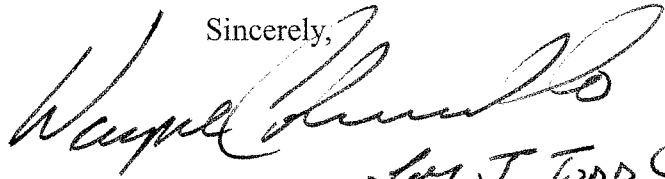
In Reference 2, DTE Electric Company (DTE) submitted a license amendment request for Measurement Uncertainty Recapture (MUR) power uprate for Fermi 2. In an email dated May 8, 2013 from Mr. Terry Beltz of the NRC to Mr. Alan Hassoun of DTE, the NRC staff requested additional information to complete the review of the license amendment request. Enclosure 1 contains the DTE responses to the requests for additional information.

Additionally, the NRC requested revisions to three of the affidavits submitted within Reference 2. Enclosure 2 contains one revised affidavit for withholding proprietary information from the Electric Power Research Institute (EPRI), and two revised

affidavits from Cameron International Corporation. These affidavits replace the ones previously submitted in Enclosures 8 and 12 of Reference 2.

No new commitments are being made in this submittal.

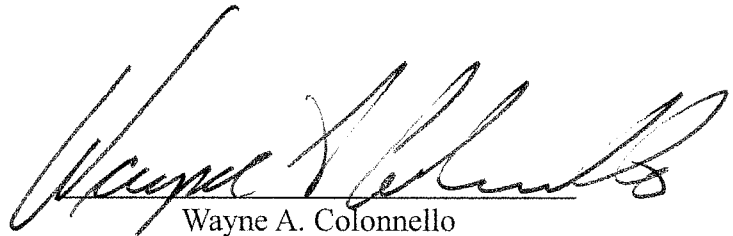
Should you have any questions or require additional information, please contact Mr. Zackary W. Rad of my staff at (734) 586-5076.

Sincerely,

Wayne L. Conner

Enclosure 1: Response to Requests for Information
Enclosure 2: Revised Affidavits for Withholding Proprietary Information
(EPRI, Cameron)


cc: NRC Project Manager
NRC Resident Office
Reactor Projects Chief, Branch 5, Region III
Regional Administrator, Region III
Supervisor, Electric Operators,
Michigan Public Service Commission

I, Wayne A. Colonnello, do hereby affirm that the foregoing statements are based on facts and circumstances which are true and accurate to the best of my knowledge and belief.



Wayne A. Colonnello
Director, Nuclear Support
Nuclear Generation

On this 7 day of June, 2013 before me personally appeared Wayne A. Colonnello, being first duly sworn and says that he executed the foregoing as his free act and deed.



Notary Public

SHARON S. MARSHALL
NOTARY PUBLIC, STATE OF MI
COUNTY OF MONROE
MY COMMISSION EXPIRES Jun 14, 2019
ACTING IN COUNTY OF *Monroe*

**Enclosure 1 to
NRC-13-0032**

Fermi 2 NRC Docket No. 50-341
Operating License No. NPF-43

Response to Requests for Additional Information

MUR RAI ESGB-1
MUR-RAI-AFPB-1
MUR-RAI-AFPB-2
MUR-RAI-AFPB-3

Response to Request for Additional Information

MUR-RAI-ESGB-1

Please provide the expected post design basis accident environmental conditions in containment with respect to the containment temperature, pressure, and radiological dose that the Service Level I coatings will be exposed to.

Additionally, please provide the radiological dose qualification of the Service Level I coatings used within containment.

Response:

The proposed power uprate expected post design basis accident (DBA) environmental conditions in the drywell with respect to peak temperature, pressure, and radiological dose are 340° F, 56 psi, and 4.47 E 8 Rads. The proposed power uprate expected post DBA environmental conditions in the Torus with respect to peak temperature, pressure, and radiological dose are 197° F, 28.3 psi, and 6.14 E 8 Rads.

Qualified Service Level I coatings are DBA tested in accordance with ANSI N101.2 and ANSI N5.12 standards to an irradiation level of 1 E 9 Rads. Unqualified coatings within containment have been evaluated and are tracked per plant programs. Additional information is provided in Fermi 2 UFSAR Section 6.2.1.6, "Materials."

The temperature, pressure, and radiological dose profiles used to qualify Service Level I coatings within containment continue to bound the DBA environmental conditions under the proposed power uprate.

MUR-RAI-AFPB-1

The NRC staff notes that Enclosure 7 to NRC-13004, General Electric Company (GE)-Hitachi Safety Analysis Report for Fermi 2, Thermal Power Optimization, NEDC-33578P, Revision 0, dated January 2013, Section 6.7, "Fire Protection," states that "...There is no change in the physical plant configuration and the potential for minor changes to combustible loading as result of TPO uprate..."

Please summarize any changes to the combustible loading, however minor, and discuss the impact of these changes on the plant's compliance with the fire protection program licensing basis, 10 CFR 50.48, or applicable portions of 10 CFR 50, Appendix R.

Response:

The Fermi 2 Leading Edge Flow Meter (LEFM) was installed in the 2010 refueling outage in accordance with the Fermi 2 modification process. Combustible loading calculations have been revised to reflect the addition of cable in cable tray, and the installation of a new instrument rack as part of this modification. The results of the calculations were not impacted and the fire rating of the areas was not changed. Increases in combustible loading as a result of LEFM installation were satisfactorily evaluated and the combustible loading calculations were appropriately updated, as required by the modification process.

The remaining physical plant modifications and configuration changes identified to date, necessary to implement the MUR power uprate, consist of replacement of two feedwater heater relief valves and a number of setpoint changes. As such, there are no changes in combustible loading as a result of additional physical plant modifications associated with MUR power uprate.

Therefore, compliance with the Fermi 2 fire protection program licensing basis, 10 CFR 50.48, and applicable portions of 10 CFR 50, Appendix R are not impacted by the MUR power uprate.

MUR-RAI-AFPB-2

The NRC staff notes that Enclosure 7 to NRC-13004, General Electric Company (GE)-Hitachi Safety Analysis Report for Fermi 2, Thermal Power Optimization, NEDC-33578P, Revision 0, dated January 2013, Section 6.7, "Fire Protection," states that "...The TPO uprate will have no effect on fire protection administrative controls, fire barriers, fire protection responsibilities of plant personnel and resources necessary for systems required to achieve and maintain safe-shutdown..." However this section does not discuss the possibility of any change in plant procedures necessary for systems required to achieve and maintain safe-shutdown.

Please verify that any procedures associated with those systems required to achieve and maintain safe-shutdown will not change and remain adequate for the MUR power uprate.

Response:

As discussed in Reference 3, operator actions associated with the fire safe shutdown procedures that are sensitive to power uprate, and the effects of power uprate on the time available for the operator actions, have been identified and evaluated. The time available for operator actions remains unchanged.

In addition, no new operator actions have been identified, and no additional personnel or equipment are necessary to perform actions in the fire safe shutdown procedures within their designated times.

Thus, the existing fire safe shutdown evaluation and the procedures and resources necessary to achieve and maintain safe shutdown, are unaffected by the MUR power uprate.

MUR-RAI-AFPB-3

Some plants credit aspects of their fire protection system for other than fire protection activities (e.g., utilizing the fire water pumps and water supply as backup cooling or inventory for non-primary reactor systems).

If Fermi 2 credits its fire protection system in this way, the LAR should identify the specific situations and discuss to what extent, if any, the MUR power uprate affects these “non-fire-protection” aspects of the plant fire protection system.

If Fermi 2 does not take such credit, then please verify this as well.

In your response, please discuss if and, if so, how, any non-fire suppression use of fire protection water will impact the ability to meet the fire protection system design demands.

Response:

There are no design basis accidents or transients (other than fires) that credit the use of the fire protection (FP) system at Fermi 2. However, there are situations beyond the design basis in which Fermi 2 could use the FP system as an alternate water source when other sources of water are unavailable (i.e., Extreme Damage Mitigation Guidelines (EDMs) used for implementation of the Fermi 2 B.5.b mitigation strategies). In addition to fire fighting, the Fermi 2 EDMs provide guidance for the use of the FP system as a potential source of water, if necessary and available, to perform the following functions:

- Spent Fuel Pool (SFP) Spray
- SFP Makeup
- Reactor Pressure Vessel Makeup
- Containment Flooding
- Condensate Storage Tank Makeup
- Hotwell Makeup

These beyond design basis scenarios are unaffected by the MUR power uprate, since the scenarios are non-power dependent. Therefore, the MUR power uprate has no impact on the use of the FP system in these situations.

**Enclosure 2 to
NRC-13-0032**

Fermi 2 NRC Docket No. 50-341
Operating License No. NPF-43

**Revised Affidavits for Withholding Proprietary Information
(EPRI, Cameron)**

NEIL WILMSHURST
Vice President and
Chief Nuclear Officer

May 13, 2013

Document Control Desk
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Request for Withholding of the following Proprietary Information Included in:

"Safety Analysis Report for Fermi Generating Station UNIT 2 Thermal Power Optimization" contained in Table 3-1 - Adjusted Reference Temperatures 40-Year License (32 EFPY). NEDC-33578P, Revision 0. DRF Section 0000-0115-4329 R2. December 2012

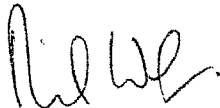
To Whom It May Concern:

This is a request under 10 C.F.R. §2.390(a)(4) that the U.S. Nuclear Regulatory Commission ("NRC") withhold from public disclosure the report identified in the enclosed Affidavit consisting of the proprietary information owned by Electric Power Research Institute, Inc. ("EPRI") identified in the attached report. Proprietary and non-proprietary versions of the Report and the Affidavit in support of this request are enclosed.

EPRI desires to disclose the Proprietary Information in confidence to assist the NRC review of the enclosed submittal to the NRC by DTE Energy. The Proprietary Information is not to be divulged to anyone outside of the NRC or to any of its contractors, nor shall any copies be made of the Proprietary Information provided herein. EPRI welcomes any discussions and/or questions relating to the information enclosed.

If you have any questions about the legal aspects of this request for withholding, please do not hesitate to contact me at (704) 704-595-2732. Questions on the content of the Report should be directed to Andy McGehee of EPRI at (704) 502-6440.

Sincerely,



AFFIDAVIT

RE: Request for Withholding of the Following Proprietary Information Included In:

"Safety Analysis Report for Fermi Generating Station UNIT 2 Thermal Power Optimization" contained in Table 3-1 - Adjusted Reference Temperatures 40-Year License (32 EFPY). NEDC-33578P, Revision 0. DRF Section 0000-0115-4329 R2. December 2012

I, Neil Wilmschurst, being duly sworn, depose and state as follows:

I am the Vice President and Chief Nuclear Officer at Electric Power Research Institute, Inc. whose principal office is located at 3420 Hillview Avenue, Palo Alto, California ("EPRI") and I have been specifically delegated responsibility for the above-listed report that contains EPRI Proprietary Information that is sought under this Affidavit to be withheld "Proprietary Information". I am authorized to apply to the U.S. Nuclear Regulatory Commission ("NRC") for the withholding of the Proprietary Information on behalf of EPRI.

EPRI Information is identified by a solid underline inside double square brackets. [[This sentence is an example.]] {E} Tables containing EPRI proprietary information are identified with double square brackets before and after the object. In each case, the superscript notation {E} refers to this affidavit as the basis for the proprietary determination.

EPRI requests that the Proprietary Information be withheld from the public on the following bases:

Withholding Based Upon Privileged And Confidential Trade Secrets Or Commercial Or Financial Information:

a. The Proprietary Information is owned by EPRI and has been held in confidence by EPRI. All entities accepting copies of the Proprietary Information do so subject to written agreements imposing an obligation upon the recipient to maintain the confidentiality of the Proprietary Information. The Proprietary Information is disclosed only to parties who agree, in writing, to preserve the confidentiality thereof.

b. 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.

c. The information sought to be withheld is considered to be proprietary for the following reasons. EPRI made a substantial economic investment to develop the Proprietary Information and, by prohibiting public disclosure, EPRI derives an economic benefit in the form of licensing royalties and other additional fees from the confidential nature of the Proprietary Information. If the Proprietary Information were publicly available to consultants and/or other businesses providing services in the electric and/or nuclear power industry, they would be able to use the Proprietary Information for their own commercial benefit and profit and without expending the substantial economic resources required of EPRI to develop the Proprietary Information.

d. EPRI's classification of the Proprietary Information as trade secrets is justified by the Uniform Trade Secrets Act which California adopted in 1984 and a version of which has been adopted by over forty states. The California Uniform Trade Secrets Act, California Civil Code §§3426 – 3426.11, defines a "trade secret" as follows:

"Trade secret" means information, including a formula, pattern, compilation, program device, method, technique, or process, that:

- (1) Derives independent economic value, actual or potential, from not being generally known to the public or to other persons who can obtain economic value from its disclosure or use; and
- (2) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy."

e. The Proprietary Information contained therein are not generally known or available to the public. EPRI developed the Information only after making a determination that the Proprietary Information was not available from public sources. EPRI made a substantial investment of both money and employee hours in the development of the Proprietary Information. EPRI was required to devote these resources and effort to derive the Proprietary Information. As a result of such effort and cost, both in terms of dollars spent and dedicated employee time, the Proprietary Information is highly valuable to EPRI.

f. 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 Proprietary Information can only be acquired and/or duplicated by others using an equivalent investment of time and effort.

I have read the foregoing and the matters stated herein are true and correct to the best of my knowledge, information and belief. I make this affidavit under penalty of perjury under the laws of the United States of America and under the laws of the State of California.

Executed at 1300 W WT Harris Blvd being the premises and place of business of Electric Power Research Institute, Inc.

Date: 5-13-2013
Neil Wilmshurst
Neil Wilmshurst

(State of North Carolina)
(County of Mecklenburg)

Subscribed and sworn to (or affirmed) before me on this 13th day of May, 2013, by Neil Wilmshurst, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature Deborah H. Rouse (Seal)

My Commission Expires 2nd day of April, 2016.



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

May 30, 2013
CAW 13-02

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

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

Subject: Caldon® Ultrasonics Engineering Report ER-781 Rev. 2 "Bounding Uncertainty Analysis for Thermal Power Determination at Fermi Unit 2 Using the LEFM CheckPlus C System"

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 13-02 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 13-02 and should be addressed to the undersigned.

Very truly yours,

Ernest Hauser
Director of Sales

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

May 30, 2013
CAW 13-02

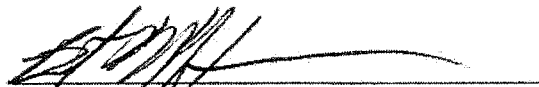
AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

SS

COUNTY OF ALLEGHENY:

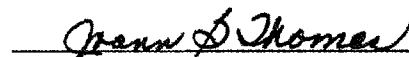
Before me, the undersigned authority, personally appeared Ernest Hauser, who, being by me duly sworn according to law, deposes and says that he is authorized to execute this Affidavit on behalf of Cameron International Corporation, a Delaware Corporation (herein called "Cameron") on behalf of its operating 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:

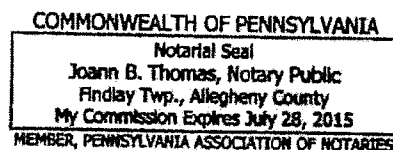

Ernest Hauser
Director of Sales

Sworn to and subscribed before me

this 30th day of

May, 2013


Notary Public



1. I am the Director of Sales 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.
4. Cameron requests that the information identified in paragraph 5(v) below be withheld from the public on the following bases:

Trade secrets and commercial information obtained from a person and privileged or confidential.

The material and information provided herewith is so designated by Cameron, in accordance with those criteria and procedures, for the reasons set forth below.

5. 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.

The information sought to be withheld in this case is considered to be proprietary for the reasons set forth in paragraphs (a), (b) and (c), above.

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-781 Rev. 2 "Bounding Uncertainty Analysis for Thermal Power Determination at Fermi Unit 2 Using the LEFM CheckPlus C System"

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 the LEFM CheckPlus C System used by Fermi Unit 2 for a 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.



Measurement Systems

Caldon® Ultrasonics Technology Center
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Fax 724-273-9301
www.c-a-m.com

May 30, 2013
CAW 13-03

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

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

Subject: Caldon® Ultrasonics Engineering Report ER-818 Rev. 0 "Meter Factory Calculation and Accuracy Assessment for Fermi 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 13-03 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 13-03 and should be addressed to the undersigned.

Very truly yours,

Ernest Hauser
Director of Sales

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

May 30, 2013
CAW 13-03

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

SS

COUNTY OF ALLEGHENY:

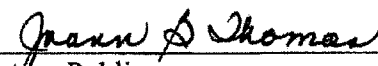
Before me, the undersigned authority, personally appeared Ernest Hauser, who, being by me duly sworn according to law, deposes and says that he is authorized to execute this Affidavit on behalf of Cameron International Corporation, a Delaware Corporation (herein called "Cameron") on behalf of its operating 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:


Ernest Hauser
Director of Sales

Sworn to and subscribed before me

this 30th day of

May, 2013


Notary Public
COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Joann B. Thomas, Notary Public
Findlay Twp., Allegheny County
My Commission Expires July 28, 2015
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

1. I am the Director of Sales 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.
4. Cameron requests that the information identified in paragraph 5(v) below be withheld from the public on the following bases:

Trade secrets and commercial information obtained from a person and privileged or confidential

The material and information provided herewith is so designated by Cameron, in accordance with those criteria and procedures, for the reasons set forth below.

5. 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.

The information sought to be withheld is considered to be proprietary for the reasons set forth in paragraphs (a), (b) and (c), above.

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- 818 Rev. 0 "Meter Factor Calculation and Accuracy Assessment for Fermi Unit 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 the LEFM CheckPlus C System used by Fermi Unit 2 for a 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.