

10 CFR 50.4

February 15, 2013

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

Subject: **Docket Nos. 50-361 and 50-362
Response to Request for Additional Information Regarding License
Amendment Request for Permanent Use of AREVA Fuel
and for Permanent Exemption to Use M5 Cladding
(TAC Nos. ME6820, ME6821, ME6822, AND ME6823)
San Onofre Nuclear Generating Station, Units 2 and 3**

Reference: Letter from N. Kalyanam (NRC) to P. T. Dietrich (SCE) dated August 1,
2012; Subject: San Onofre Nuclear Generating Station, Units 2 and 3 –
License Amendment Request RE: Use of AREVA Fuel (TAC Nos.
ME6820, ME6821, ME6822, AND ME6823)

Dear Sir or Madam:

By letter dated August 1, 2012, the Nuclear Regulatory Commission issued a Request for Additional Information (RAI) regarding unrestricted usage of AREVA fuel and permanent exemption to use M5 cladding.

The RAI letter requested a response within 30 days of receipt of the letter. The NRC requested via phone call that the SCE affidavit for Owen Thomsen be updated to reflect a more recent date.

The enclosure provides a notarized affidavit from SCE with regards to the responses to Reference 1.

There are no new regulatory commitments contained in this letter. If you have any questions or require additional information, please contact Mr. Mark. Morgan, Licensing Lead, at (949) 368-7645.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Morgan".

Enclosure: As stated

cc: E. E. Collins, Regional Administrator, NRC Region IV
R. Hall, NRC Project Manager, San Onofre Units 2 and 3
G. G. Warnick, NRC Senior Resident Inspector, San Onofre Units 2 and 3
B. Benney, NRC Project Manager, San Onofre Units 2 and 3

ENCLOSURE
NOTARIZED AFFIDAVIT

AFFIDAVIT

STATE OF CALIFORNIA)
) ss.
CITY OF SAN CLEMENTE)

1. My name is Owen J. Thomsen. I am employed by Southern California Edison Company ("SCE"). My present capacity is Manager, Nuclear Fuel Management, for the San Onofre Nuclear Generating Station ("SONGS"), and in that capacity I am authorized to execute this Affidavit.

2. SCE is the operating agent for SONGS. I am familiar with the policies established by SCE to determine whether certain SCE information is proprietary and confidential, and to ensure the proper application of these policies.

3. I am familiar with SCE information in the following two documents: (1) "Response to Request for Additional Information Regarding License Amendment Request for Permanent Use of AREVA Fuel and for Permanent Exemption to Use M5 Cladding (TAC Nos: ME6820, ME6821, ME6822, AND ME6823) San Onofre Nuclear Generating Station Units 2 and 3, dated September 14, 2012, and (2) "Response to Request for Additional Information Question 11 Regarding License Amendment Request for Permanent Use of AREVA Fuel and for Permanent Exemption to Use M5 Cladding (TAC Nos: ME6820, ME6821, ME6822, AND ME6823) San Onofre Nuclear Generating Station Units 2 and 3, dated September 27, 2012,

4. SCE has classified the information contained in these Documents as proprietary and confidential in accordance with SCE's policies.

5. Specifically, SCE applied the following criteria to determine that the information contained in the Documents should be classified as proprietary and confidential:

- (a) SCE has a non-disclosure agreement with Westinghouse Electric LLC ("Westinghouse") and AREVA NP ("AREVA") (the NDA is referred to as the "Westinghouse-AREVA-SCE NDA"), under which Westinghouse and AREVA

have provided to SCE certain proprietary and confidential information contained in the Documents.

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

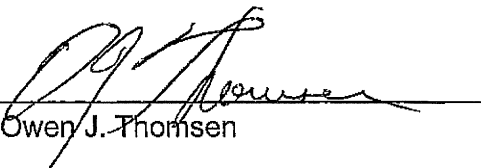
6. The information contained in the Documents is considered proprietary and confidential for the reasons set forth in Paragraph 5. In addition, the information contained in the Documents is of the type customarily held in confidence by AREVA, Westinghouse, and SCE, and not made available to the public. Based on my experience in the nuclear industry, I am aware that other companies also regard the type of information contained in the Documents as proprietary and confidential.

7. In accordance with the Westinghouse-AREVA-SCE NDA, the Documents has been made available to the NRC in confidence, with the request that the information contained in this Documents be withheld from public disclosure. The request for withholding the information from public disclosure is made in accordance with 10 CFR 2.390. The information qualifies for withholding from public disclosure under 10 CFR 2.390(a)(4) "Trade secrets and commercial or financial information."

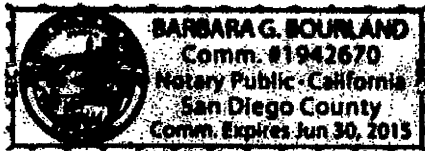
8. In accordance with SCE's policies governing the protection and control of proprietary and confidential information, the information contained in the Documents has been made available, on a limited basis, to others outside Westinghouse, SCE and AREVA only as required in accordance with the Westinghouse-AREVA-SCE NDA.

9. SCE's policies require that proprietary and confidential information be kept in a secured file or area and distributed on a need-to-know basis. The information contained in the Documents has been kept in accordance with these policies.

10. The foregoing statements are true and correct to the best of my knowledge, information, and belief, and if called as a witness I would competently testify thereto. I declare under penalty of perjury under the laws of the State of California that the above is true and correct.


Owen J. Thomsen

State of California

County of San DiegoSubscribed and sworn to (or affirmed) before me on this 5 day of November, 2012,by Owen James Thomsen, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Seal _____

Signature Barbara G Brouland

OPTIONAL INFORMATION

Law does not require the information below. This information could be of great value to any person(s) relying on this document and could prevent fraudulent and/or the reattachment of this document to an unauthorized document(s)

DESCRIPTION OF ATTACHED DOCUMENT

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) if Different Than Above: _____

Other Information: _____

CAPACITY(IES) CLAIMED BY SIGNER(S)

Signer's Name(s): _____

- ☐ Individual
☐ Corporate Officer

(Title(s)) _____

- ☐ Partner
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian/Conservator
☐ Other: _____

SIGNER IS REPRESENTING:

Name of Person(s) or Entity(ies): _____