REGULATORY INFORMATION DISTRIBUTION SYSTEM (RIDS)

ACCESSION NBR:8011200199 DOC.DATE: 80/11/13 NOTARIZED: YES DOCKET #
FACIL:50-361 San Onofre Nuclear Station, Unit 2, Southern Californ 05000361
50-362 San Onofre Nuclear Station, Unit 3, Southern Californ 05000362
AUTH.NAME AUTHOR AFFILIATION
BASKIN,K.P. Southern California Edison Co.
RECIP.NAME RECIPIENT AFFILIATION
MIRAGLIA,F. Licensing Branch 3

MA/2

SUBJECT: Forwards proprietary & nonproprietary versions of CEN-140(s) "Data Transmittal for Southern CA Edison Fuel Audit," in response to NRC 800909 request. Affadavit for withholding rept encl.

DISTRIBUTION CODE: P801S COPIES RECEIVED:LTR 1 ENCL 3 prop 3 NP SIZE: 6+67
TITLE: Proprietary Info Re PSAR/FSAR

NOTES:Send all FSAR & ER amends to L Chandler,J.Hanchett:1 copy. 05000361
Send all FSAR & ER amends to L Chandler,J.Hanchett:1 copy. 05000362

	RECIPIENT ID CODE/NAME		COPIES LTTR	COPIES ENCL	RECIPIENT ID CODE/NAME		COPIES LTTR	COPIES ENCL
ACTION:	MIRAGLIA,F.		1	0	LEE,J.		1	0
	ROOD,H. #3	02	1	1				
INTERNAL:	DIRECTOR NRR		1	0	I&E #2	21	2	1 NP
	MPA		1	0	NRC PDR		1	NP
	OELD		1	0	REG FILE #1	01	1	1
EXTERNAL:	ACRS	24	16	0 NP	LPDR		1	NP
	NSIC		1	NP				

TERA - Copy #4

Change L E
NRC PDR 1 NP
LPDR 1 NP
NSIC 1 NP

NOV 21 1980

TOTAL NUMBER OF COPIES REQUIRED: LTTR ~~26~~ 32 ENCL ~~20~~ 21

SL

Southern California Edison Company

P. O. BOX 800
2244 WALNUT GROVE AVENUE
ROSEMEAD, CALIFORNIA 91770

K. P. BASKIN
MANAGER OF NUCLEAR ENGINEERING, SAFETY, AND LICENSING

TELEPHONE
(213) 572-1401

November 18, 1980

Director, Office of Nuclear Reactor Regulation
Attention: Mr. Frank Miraglia, Branch Chief
Licensing Projects Branch 3, DPM
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Gentlemen:

Subject: Docket Nos. 50-361 and 50-362
San Onofre Nuclear Generating Station
Units 2&3

Fuel assembly data was requested by the NRC during a September 9, 1980 meeting in Windsor, Connecticut. It is our understanding that this fuel assembly data is to be used by the NRC's consultant, Mr. R. Grubb (EG&G of Idaho) to perform an audit calculation of the San Onofre Units 2&3 fuel assembly structural design. The fuel assembly data is provided in three parts. The first part contains static and dynamic fuel assembly test data. The second part contains fuel assembly material data. The final part contains miscellaneous data requested by Mr. R. Grubb. The submittal is considered to be complete with the exception of spacer grid crush strength data which will be supplied by SCE following completion of production grid testing. In addition, an SSE acceleration time history will be provided for use in the audit calculation. In responding to this fuel assembly information request, a substantial amount of proprietary information must be presented. SCE agrees to submit this proprietary information to the NRC staff and Mr. R. Grubb in accordance with 10 CFR Part 2.

Enclosed are 1) three (3) proprietary copies of the fuel assembly data, CEN-140(S)-P, "Data Transmittal for SCE Fuel Audit Analysis," dated October 10, 1980 (copies 000001, 000002, 000003), 2) three (3) non-proprietary copies of CEN-140(S)-NP, and 3) the original copy of the affidavit setting forth the basis on which the information may be withheld from public disclosure by the Commission and addressing specifically the considerations listed in paragraph (b)(4) of Section 2.790 of the Commission's regulations. The proprietary version of the fuel assembly data, CEN-140(S)-P (copy 000006) has been forwarded to Mr. R. Grubb.

PBO1
S 1/3 PROP
3 NP
CHANGE: 1 E
NRC PDR 1 NP
LPDR 1 NP
NSIC 1 NP

8011200199

A

Accordingly, it is respectfully requested that the information which is proprietary to Combustion Engineering, Inc., be withheld from public disclosure in accordance with 10 CFR Section 2.790 of the Commission's regulations. If you should have any questions concerning the proprietary nature of material transmitted herewith, please address these questions directly to:

Mr. A. E. Scherer
Director of Licensing (9460-1922)
Combustion Engineering
1000 Prospect Hill Road
Windsor, Connecticut 06095

We also request that you provide a copy of any questions concerning the proprietary nature of this submittal to the SCE and SDG&E Companies.

Very truly yours,

K P Basham

Enclosures

AFFIDAVIT PURSUANT

TO 10 CFR 2.790

Combustion Engineering, Inc.)
State of Connecticut)
County of Hartford) SS.:

I, A. E. Scherer depose and say that I am the Director, Nuclear Licensing of Combustion Engineering, Inc., duly authorized to make this affidavit, and have reviewed or caused to have reviewed the information which is identified as proprietary and referenced in the paragraph immediately below. I am submitting this affidavit in conformance with the provisions of 10 CFR 2.790 of the Commission's regulations and in conjunction with the application of Southern California Edison Company and San Diego Gas and Electric Corporation, for withholding this information.

The information for which proprietary treatment is sought is contained in the following document:

CEN-140(S)-P, Data Transmittal for SCE Fuel Audit Analysis, dated October 10, 1980.

This document has been appropriately designated as proprietary.

I have personal knowledge of the criteria and procedures utilized by Combustion Engineering in designating information as a trade secret, privileged or as confidential commercial or financial information.

Pursuant to the provisions of paragraph (b) (4) of Section 2.790 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, included in the above referenced document, should be withheld.

1. The information sought to be withheld from public disclosure is a data transmittal for the San Onofre Units 2 and 3 fuel audit analysis, which is owned and has been held in confidence by Combustion Engineering.

2. The information consists of test data or other similar data concerning a process, method or component, the application of which results in a substantial competitive advantage to Combustion Engineering.

3. The information is of a type customarily held in confidence by Combustion Engineering and not customarily disclosed to the public. Combustion Engineering 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 details of the aforementioned system were provided to the Nuclear Regulatory Commission via letter DP-537 from F.M. Stern to Frank Schroeder dated December 2, 1974. This system was applied in determining that the subject documents herein are proprietary.

4. The information is being transmitted to the Commission in confidence under the provisions of 10 CFR 2.790 with the understanding that it is to be received in confidence by the Commission.

5. The information, to the best of my knowledge and belief, is not available in public sources, and any disclosure to third parties has been made pursuant to regulatory provisions or proprietary agreements which provide for maintenance of the information in confidence.

6. Public disclosure of the information is likely to cause substantial harm to the competitive position of Combustion Engineering because:

a. A similar product is manufactured and sold by major pressurized water reactors competitors of Combustion Engineering.

b. Development of this information by C-E required thousands of

man-hours of effort and hundreds of thousands of dollars. To the best of my knowledge and belief a competitor would have to undergo similar expense in generating equivalent information.

c. In order to acquire such information, a competitor would also require considerable time and inconvenience related to development of analytical methods, computer models, test time and test methods.

d. The information required significant effort and expense to obtain the licensing approvals necessary for application of the information. Avoidance of this expense would decrease a competitor's cost in applying the information and marketing the product to which the information is applicable.

e. The information consists of fuel assembly static and dynamic test data and material descriptions for the San Onofre Units 2 and 3 fuel, the application of which provides a competitive economic advantage. The availability of such information to competitors would enable them to modify their product to better compete with Combustion Engineering, take marketing or other actions to improve their product's position or impair the position of Combustion Engineering's product, and avoid developing similar data and analyses in support of their processes, methods or apparatus.

f. In pricing Combustion Engineering's products and services, significant research, development, engineering, analytical, manufacturing, licensing, quality assurance and other costs and expenses must be included. The ability of Combustion Engineering's competitors to utilize such information without similar expenditure of resources may enable them to sell at prices reflecting significantly lower costs.

g. Use of the information by competitors in the international marketplace would increase their ability to market nuclear steam supply

systems by reducing the costs associated with their technology development. In addition, disclosure would have an adverse economic impact on Combustion Engineering's potential for obtaining or maintaining foreign licensees.

Further the deponent sayeth not.

A. E. Scherer

Director

Nuclear Licensing

Sworn to before me

this 20th day of October, 1982

Ethelyn H. Colpitts

Notary Public

ETHELYN H. COLPITTS, NOTARY PUBLIC
State of Connecticut No. 33976
Commission Expires March 31, 1983