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 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

SUBJECT: Forwards proprietary CEN-148(S)-P, "Functional Design Spec  
 for Control Element Assembly Calculator." Rept withheld  
 (ref 10CFR2.790). Affidavit for withholding encl.

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*Southern California Edison Company*

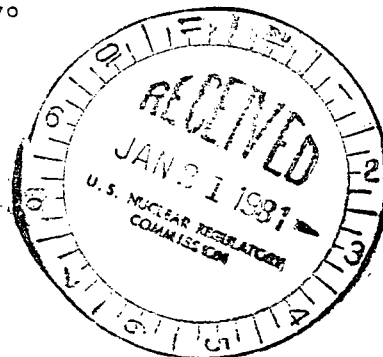
**SCE**

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

January 19, 1981



Director of Nuclear Reactor Regulation  
Attention: Mr. Frank Miraglia, Branch Chief  
Licensing Projects Branch 3  
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 and 3

In connection with SER Open Item No. 17, CPC (NRC Questions 221.18 and 221.20), please find enclosed three (3) copies (Copy Nos. 001, 002 and 003) of the proprietary Combustion Engineering report, Functional Description Document for Control Element Assembly Calculator (CEAC). Also enclosed is an 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 10 CFR 2.790(b)(4) of the Commission's regulations.

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 the material transmitted herewith, please address these questions to:

Mr. A. E. Scherer  
Director of Licensing (9438-401)  
Combustion Engineering  
1000 Prospect Hill Road  
Windsor, Connecticut 06095

In order to close SER Open Item No. 17, the Functional Description Document for Core Protection Calculator (CPC) will be submitted January 21, 1981.

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Mr. Frank Miraglia, Branch Chief

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The following items which are considered as confirmatory items are scheduled for transmittal to the NRC as follows:

1. Non-proprietary versions of the Functional  
Description Documents for CEAC and CPC Mid-February, 1981
2. Data Base Constants March, 1981
3. Software Test Results May, 1981

If you have any questions or comments concerning this matter, please contact me.

Very truly yours,

*KP Bastin / NRC member*

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-148(S)-P Functional Design Specification for a Control Element  
Assembly Calculator (Response to NRC Questions 221.18 and 221.20).

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 description of the functional design of the Control Element Assembly Calculator System, 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 and computer models.

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 design changes based on operational experience with the Control Element Assembly Calculator System at the Arkansas Nuclear One Unit-2, Cycle 1 and general algorithm improvements, 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.



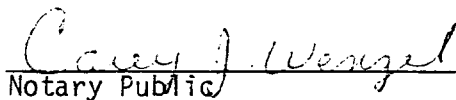
A. E. Scherer

Director

Nuclear Licensing

Sworn to before me

this 7<sup>th</sup> day of January 1981

  
Notary Public

CAREY J. WENZEL, NOTARY PUBLIC  
State of Connecticut No. 59962  
Commission Expires March 31, 1985