

REGULATORY INFORMATION DISTRIBUTION SYSTEM (RIDS)

ACCESSION NBR: 8102090233 DOC. DATE: 81/02/04 NOTARIZED: YES
 FACIL: 50-361 San Onofre Nuclear Station, Unit 2, Southern California
 50-362 San Onofre Nuclear Station, Unit 3, Southern California
 AUTH. NAME: BASKIN, K.P. AUTHOR AFFILIATION: Southern California Edison Co.
 RECIP. NAME: MIRAGLIA, F. RECIPIENT AFFILIATION: Licensing Branch 3

DOCKET #
 05000361
 05000362

SUBJECT: Forwards preliminary version of CEN-149(S)-P, "Cycle 1 Core Protection Calculatory & Control Element Assembly Calculator Data Base Document." Rept withheld (ref 10CFR2.790). Affidavit encl.

DISTRIBUTION CODE: PB01S COPIES RECEIVED: LTR 1 ENCL 3 SIZE: 5+58
 TITLE: Proprietary Info Re PSAR/FSAR

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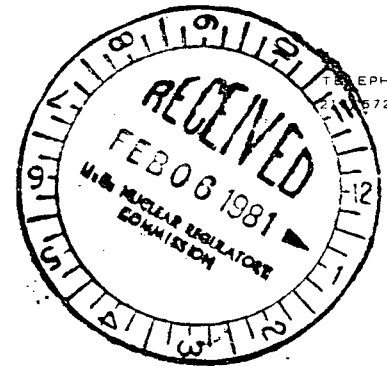
Southern California Edison Company

SCE

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February 4, 1981

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



TELEPHONE
213-572-1401

Director, Office of Nuclear Reactor Regulation
Attention: Mr. Frank Miraglia, Branch Chief
Licensing Branch No. 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, SCE's letters of January 19 and 21, 1981 transmitted three (3) copies of the Proprietary Combustion Engineering report, Functional Description Document for Control Element Assembly Calculator (CEAC) and three (3) copies of the Proprietary Combustion Engineering report, Functional Description Document for Core Protection Calculatory (CPC), respectively, in accordance with 10 CFR Section 2.790. The January 19, 1981 letter stated that Data Base Constants would be submitted March, 1981.

Enclosed please find three (3) copies (Copy Nos. 001, 002, and 003) of the preliminary version of the proprietary Combustion Engineering report, SONGS-2 Cycle-1, CPC and CEAC Data Base Document. 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. The final version of the enclosure will be provided in March, 1981.

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

PB01
1/3

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

Very truly yours,

8102000233

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KPB

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 Co. and San Diego Gas and Electric Co., for withholding this information.

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

CEN-149(S)-P, SONGS-2 Cycle 1 CPC and CEAC Data Base Document (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 plant design data specifications for the CPC/CEAC 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 generating the data base constants for the CPC/CEAC system.

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 plant design data specifications for the CPC/CEAC system, 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.

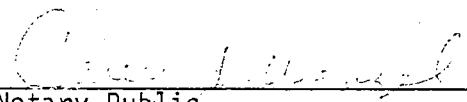
g. Use of the information by competitors in the international marketplace would increase their ability to market nuclear steam supply systems by reducing the costs associated with their technology development. In addition, disclosure would have an adverse economic impact on Combustion Engineering's potential for obtaining or maintaining foreign licensees.

Further the deponent sayeth not.


A. E. Scherer
Director
Nuclear Licensing

Sworn to before me

this 30th day of January, 1981


Notary Public

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

DOCKET NO. 50-361/362

DATE: 2-10-81

NOTE TO NRC AND/OR LOCAL PUBLIC DOCUMENT ROOMS

The following item submitted with letter dated 2-4-81
from S. CALIFORNIA Ed. Co. is being withheld from public disclosure
in accordance with Section 2.790.

PROPRIETARY INFORMATION

Prop Info Re PSAR/FSAR

Dennis Johnson
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Distribution Services Branch