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 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  
 SCHERER, A. E. Combustion Engineering, Inc.  
 RECIP. NAME RECIPIENT AFFILIATION

SUBJECT: Affidavit requesting proprietary treatment of slides  
 presented at NRC 790426 meeting re facility fuel structure  
 design. (ref 10CFR2.790).

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August 27, 1979

Harry Rood

Enclosed per your request is a copy of the affidavit  
for the slides presented at the April 26, 1979 meeting.

Tom Mercurio  
Southern California Edison Co.

NOVE  
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JUN 4 1979

S. V. TASHJIAN

AFFIDAVIT PURSUANT

TO 10 CFR 2.790

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Songs 213

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

SS.:

I, A. E. Scherer depose and say that I am the Manager, 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 documents:

Slides presented at the April 26, 1979 NRC meeting regarding the San Onofre Units 2 and 3 (docket numbers 50-361 and 50-362) fuel structure design.

These documents have 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 documents, should be withheld.

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1. The information sought to be withheld from public disclosure are detailed results of the structural response of the San Onofre Units 2 and 3 16 x 16 fuel to postulated Loss of Coolant Accidents 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 developing equivalent methods, obtaining pertinent fuel structural data and performing the analyses.

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 results of the structural response of the San Onofre Units 2 and 3 16 x 16 fuel to postulated Loss of Coolant Accident 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

Manager, Licensing

Sworn to before me

this 31<sup>st</sup> day of May, 1979

  
Notary Public

LISA G. WAICUNAS, NOTARY PUBLIC  
State of Connecticut No. 54492  
Commission Expires March 31, 1983