

August 20, 2001

Mr. Henry A. Sepp
Manager of Regulatory and Licensing Engineering
Westinghouse Electric Company, LLC
P.O. Box 355
Pittsburgh, Pennsylvania 15230-0355

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
COMANCHE PEAK STEAM ELECTRIC STATION, UNITS 1 AND 2
(TAC NOS. MB1625 AND MB1626)

Dear Mr. Sepp:

By letter dated August 2, 2001 (TXX-01130), TXU Electric submitted a response to a request for additional information (RAI) concerning a proposed power uprate for Comanche Peak Steam Electric Station (CPSES), Units 1 and 2. Attachment 3 to TSS-01130 contains information designated as "Westinghouse [Electric Company, LLC] Proprietary Class 2" material, while Attachment 4 contains the non-proprietary version of this material. Enclosure 1 to TXX-01130 contains your application and affidavit dated July 25, 2001, CAW-01-1473, "Response to RAI for CPSES Unit 1 Uprating" (Proprietary), July 2001, and requests that the subject material be withheld from public disclosure pursuant to 10 CFR 2.790. A copy of the non-proprietary material has been placed in the Nuclear Regulatory Commission (NRC) public document room and added to the Agencywide Documents Access and Management Systems Publicly Available Records System (ADAMS PARS) Library.

Your affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- (a) The use of such information by Westinghouse gives Westinghouse a competitive advantage over its competitors. It is, therefore, withheld from disclosure to protect the Westinghouse competitive position.

and

- (c) Use by our competitor would put Westinghouse at a competitive disadvantage by reducing his expenditure of resources at our expense.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the version of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.790(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

Mr. H. A. Sepp

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Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the material. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

If you have any questions regarding this matter, I may be reached at 301-415-1439.

Sincerely,

/RA/

David H. Jaffe, Senior Project Manager, Section 1
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-445 and 50-446

cc: See next page

Mr. H. A. Sepp

- 2 -

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/RA/

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Docket Nos. 50-445 and 50-446

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NRR-106

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DATE	8/14/01	8/14/01	8/15/01	8/16/01	8/17/01

OFFICIAL RECORD COPY

Comanche Peak Steam Electric Station

cc:

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