

May 8, 2003

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

SUBJECT: COMANCHE PEAK STEAM ELECTRIC STATION, UNITS 1 AND 2 -
RESPONSE TIME TESTING (TAC NOS. MB7984 AND MB7985)

Dear Mr. Sepp:

By application dated March 6, 2003, TXU Generation Company LP (TXU) submitted the following proprietary information and requested that it be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations*, Section 2.790 (10 CFR 2.790): (1) Westinghouse Electric Company LLC (Westinghouse) Proprietary Letter WPT-16357, "Evaluation of 11 NLP and 6 NSA 7300 Cards," and (2) Westinghouse Proprietary Drawing 1061E26, Sheet 1, Revision B, and Sheet 2, Revision -, "Printed Wiring Assembly Power Range Amplifier 414 NI Subassembly," dated November 22, 1991. TXU also enclosed with their March 6, 2003, application, Westinghouse letter CAW-03-1598, "Application for Withholding Proprietary Information from Public Disclosure," dated February 10, 2003, and an affidavit dated February 10, 2003, executed by you, requesting that Westinghouse proprietary information contained within the above-described documents be withheld from public disclosure pursuant to 10 CFR 2.790. A nonproprietary version of the material described in (1) and (2), above, were submitted by TXU letter dated April 15, 2003, for placement in the U. S. Nuclear Regulatory Commission's (NRC's) Public Document Room and have been added to the Agency Wide Documents Access and Management System's Publicly Available Records System Library. The proprietary version of the material described in (1) and (2), above, contains information proprietary to Westinghouse as indicated by square brackets "[]" in the nonproprietary version of the material.

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

- (a) The information reveals the distinguishing aspects of a process (or component, structure, tool, method, etc.) where prevention of its use by any of Westinghouse's competitors without license from Westinghouse constitutes a competitive economic advantage over other companies.
- (c) Its use by a competitor would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing a similar product.

Mr. Henry A. Sepp

-2-

We have reviewed the application and the provided 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.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. 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.

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. Henry A. Sepp

-2-

We have reviewed the application and the provided 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.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. 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.

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

DISTRIBUTION

PUBLIC

RidsNrrDlpmLpdiv (HBerkow)

RidsNrrPMDJaffe

MPSiemien (OGC)

RidsRgn4MailCenter (AHowell)

PDIV-1 Reading

RidsNrrDlpmLpdiv-1 (RGramm)

RidsNrrLADJohnson

JWermiel (NRR/DSSA/SRXB)

JCalvo (NRR/DE/EEIB)

ADAMS Accession No.: ML031280256

OFFICE	PDIV-1/PM	PDIV-1/LA	EEIB/BC	OGC	PDIV-1/SC
NAME	DJaffe	DJohnson	JCalvo	DHassell	RGramm
DATE	4/29/03	4/29/03	4/30/03	5/5/03	5/7/03

OFFICIAL RECORD COPY

Comanche Peak Steam Electric Station

cc:

Senior Resident Inspector
U.S. Nuclear Regulatory Commission
P.O. Box 2159
Glen Rose, TX 76403-2159

Regional Administrator, Region IV
U.S. Nuclear Regulatory Commission
611 Ryan Plaza Drive, Suite 400
Arlington, TX 76011

Mr. Roger D. Walker
Regulatory Affairs Manager
TXU Electric
P.O. Box 1002
Glen Rose, TX 76043

George L. Edgar, Esq.
Morgan, Lewis & Bockius
1800 M Street, N.W.
Washington, DC 20036-5869

Honorable Dale McPherson
County Judge
P.O. Box 851
Glen Rose, TX 76043

Office of the Governor
ATTN: John Howard, Director
Environmental and Natural
Resources Policy
P.O. Box 12428
Austin, TX 78711

Arthur C. Tate, Director
Division of Compliance & Inspection
Bureau of Radiation Control
Texas Department of Health
1100 West 49th Street
Austin, TX 78756-3189

Jim Calloway
Public Utility Commission of Texas
Electric Industry Analysis
P.O. Box 13326
Austin, TX 78711-3326

Mr. C. Lance Terry
Senior Vice President
& Principal Nuclear Officer
TXU Electric
ATTN: Regulatory Affairs Department
P.O. Box 1002
Glen Rose, TX 76043