

June 4, 2003

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

SUBJECT: TXU ENERGY, REQUEST FOR WITHHOLDING INFORMATION FROM  
PUBLIC DISCLOSURE FOR COMANCHE PEAK STEAM ELECTRIC STATION,  
UNIT 1 (TAC NO. MB8456)

Dear Mr. Sepp:

By letter dated March 18, 2003, TXU Energy (TXU) submitted an affidavit executed by you requesting that the following documents 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) Report SG-SGDA-02-43-P, "Comanche Peak Steam Electric Station 1RF09 Outage Condition Monitoring Report and Preliminary Cycle 10 Operational Assessment," dated October 2002
- (2) Westinghouse Report SG-SGDA-03-03-P, "Comanche Peak Steam Electric Station Unit 1 Cycle 10 Operational Assessment," dated January 2003.

A nonproprietary copy of these documents have been placed in the Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room.

The proprietary version of these documents contains information proprietary to Westinghouse as indicated by square brackets "[ ]" in the proprietary and nonproprietary versions of these documents.

The 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.

- (e) It reveals aspects of past, present, or future Westinghouse or customer funded development plans and programs of potential commercial value to Westinghouse.

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

cc: See next page

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*/RA/*

David H. Jaffe, Senior Project Manager, Section 1  
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Office of Nuclear Reactor Regulation

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Comanche Peak Steam Electric Station

cc:

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