

November 6, 2007

Mr. M. R. Blevins  
Senior Vice President  
& Chief Nuclear Officer  
Luminant Power  
ATTN: Regulatory Affairs  
P.O. Box 1002  
Glen Rose, TX 76043

SUBJECT: COMANCHE PEAK STEAM ELECTRIC STATION, UNITS 1 AND 2 – REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE (TAC NOS. MD6615 AND MD6616)

Dear Mr. Blevins:

By letter dated August 28, 2007, Mr. Fred W. Madden, Director, Oversight and Regulatory Affairs, TXU Generation Company LP (the licensee, which effective October 9, 2007, became known as Luminant Generation Company LLC), submitted an affidavit, executed by Mr. R. B. Sisk, Manager, Fuel Engineering Licensing, for Westinghouse Electric Company LLC (Westinghouse), dated August 14, 2007, requesting that the information designated as proprietary in the Comanche Peak Units 1 and 2, Spent Fuel Pool Criticality Safety Analysis, WCAP-16827-P, Revision 0 (July 2007), be withheld from the public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390. The Comanche Peak Units 1 and 2, Spent Fuel Pool Criticality Safety Analysis and the Westinghouse letter are Enclosures 3 and 6, respectively, to the licensee's letter dated August 28, 2007.

The August 14, 2007, affidavit by Mr. R. B. Sisk stated that the submitted information should be considered exempt from the mandatory public disclosure for the following reasons:

- 4(ii)(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.
- 4(ii)(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.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 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 submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

M. R. Blevins

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A non-proprietary copy of the document designated as WCAP-16827-NP, Revision 0 (July 2007), and provided as Enclosure 4 to the letter dated August 28, 2007, has been placed in the Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room.

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.

If you have any questions regarding this matter, I may be reached at (301) 415-4016.

Sincerely,

/RA/

Balwant K. Singal, Senior Project Manager  
Plant Licensing Branch IV  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos. 50-445 and 50-446

cc: See next page

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OFFICE	SBPB/NRR	SCVB/NRR		SRXB/NRR	NRR/LPL4/LA	NRR/LPL4/BC
NAME	DHarrison*	RDennig*		GCranston*	JBurkhardt	THiltz
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OFFICIAL AGENCY RECORD

Comanche Peak Steam Electric Station

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