

November 20, 2007

Mr. M. R. Blevins
Executive Vice President
& Chief Nuclear Officer
Luminant Generation Company LLC
ATTN: Regulatory Affairs
P.O. Box 1002
6322 North FM 56
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 October 24, 2007, Mr. Fred W. Madden, Director, Oversight and Regulatory Affairs, TXU Generation Company LP, subsequently renamed Luminant Generation Company LLC, (the licensee), submitted an affidavit, executed by Mr. C. Savage, Director, Systems and Safety Analysis, for Westinghouse Electric Company LLC (Westinghouse), dated October 23, 2007, requesting that the information designated as proprietary in WPT-17046, "Power Uprate Project Response to NRC [U.S. Nuclear Regulatory Commission] Request for Transmittal of Information," for the Comanche Peak Steam Electric Station (CPSES), Units 1 and 2, be withheld from the public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390. The "Power Uprate Project Response to NRC Request for Transmittal of Information" (WPT-17046) and the Westinghouse letter are Attachment 2 and Enclosure 1, respectively, to the licensee's letter dated October 24, 2007. Attachment 1 to the letter provided as the non-proprietary version of the above document contains no information because all the GOTHIC input data files are designated as proprietary.

The October 23, 2007, affidavit by Mr. C. Savage (supplemented by Westinghouse letter dated November 6, 2007) stated that the submitted information should be considered exempt from the mandatory public disclosure pursuant to 10 CFR 2.390(b)(4)(ii) for the following reason:

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

We have reviewed the affidavits and the material designated as proprietary in accordance with the requirements of 10 CFR 2.390. Although the proprietary version of the document does not identify the reasons for which the information should be withheld from public disclosure—in the future, each page containing proprietary information should indicate specifically the applicable reasons for withholding the information from the public disclosure—the supplemental Westinghouse letter dated November 6, 2007, stated that it should be withheld from public disclosure for reason (c) stated above. Therefore, on the basis of the statements in the affidavit, the NRC staff has 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.

A non-proprietary copy of the document designated as WPT-17046, and provided as Attachment 1 to the letter dated October 24, 2007, has been placed in the 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) 415-3016.

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

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.

A non-proprietary copy of the document designated as WPT-17046, and provided as Attachment 1 to the letter dated October 24, 2007, has been placed in the 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) 415-3016.

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

DISTRIBUTION:

PUBLIC
LPLIV Reading
RidsAcrsAcnwMailCenter
RidsNrrDorIDpr
RidsNrrDorLpl4
RidsNrrPMBSingal

RidsNrrLAJBurkhardt
RidsOgcRp
RidsRgn4MailCenter
RidsNrrDssScvb (Dennig)
NKaripineni, NRR/DSS/SCVB

ADAMS Accession No.: ML073130029

*Concurrence via e-mail

OFFICE	NRR/LPL4/PM	NRR/DSS/SCVB/BC	NRR/LPL4/LA	NRR/LPL4/BC
NAME	BSingal	RDennig*	JBurkhardt	THiltz, JND for
DATE	11/20/07	11/8/07	11/20/07	11/20/07

OFFICIAL AGENCY RECORD

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. Fred W. Madden, Director
Regulatory Affairs
Luminant Generation Company LLC
P.O. Box 1002
Glen Rose, TX 76043

Timothy P. Matthews, Esq.
Morgan Lewis
1111 Pennsylvania Avenue, NW
Washington, DC 20004

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

Environmental and Natural
Resources Policy Director
Office of the Governor
P.O. Box 12428
Austin, TX 78711-3189

Mr. Richard A. Ratliff, Chief
Bureau of Radiation Control
Texas Department of Health
1100 West 49th Street
Austin, TX 78756-3189

Mr. Brian Almon
Public Utility Commission
William B. Travis Building
P.O. Box 13326
1701 North Congress Avenue
Austin, TX 78701-3326

Ms. Susan M. Jablonski
Office of Permitting, Remediation
and Registration
Texas Commission on Environmental
Quality
MC-122
P.O. Box 13087
Austin, TX 78711-3087

Anthony P. Jones
Chief Boiler Inspector
Texas Department of Licensing
and Regulation
Boiler Division
E.O. Thompson State Office Building
P.O. Box 12157
Austin, TX 78711