



Luminant

Mike Blevins
Executive Vice President
& Chief Nuclear Officer
Mike.Blevins@Luminant.com

Luminant Power
P O Box 1002
6322 North FM 56
Glen Rose, TX 76043

T 254 897 5209
C 817 559 9085
F 254 897 6652

CP-200800212
Log # TXX-08024

Ref. # 10 CFR 50.90

February 11, 2008

U. S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555

SUBJECT: COMANCHE PEAK STEAM ELECTRIC STATION (CPSES) DOCKET NOS. 50-445 AND 50-446, RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION RELATED TO LICENSE AMENDMENT REQUEST 07-003 REVISION TO TECHNICAL SPECIFICATIONS 3.1, "REACTIVITY CONTROL SYSTEMS," 3.2, "POWER DISTRIBUTION LIMITS," 3.3, "INSTRUMENTATIONS," AND 5.6.5b, "CORE OPERATING LIMITS REPORT (COLR)."

- REFERENCE:**
1. Letter logged TXX-07063, dated April 10, 2007, from Mike Blevins of Luminant Power to the NRC.
 2. Letter logged TXX-07107, dated July 31, 2007, from Mike Blevins of Luminant Power to the NRC.
 3. Letter logged TXX-07126, dated August 16, 2007, from Mike Blevins of Luminant Power to the NRC.
 4. Letter logged TXX-07151, dated November 15, 2007, from Mike Blevins of Luminant Power to the NRC.
 5. Letter logged TXX-07168, dated November 19, 2007, from Mike Blevins of Luminant Power to the NRC.
 6. Letter logged TXX-08012, dated January 19, 2008, from Mike Blevins of Luminant Power to the NRC.
 7. Letter dated February 4, 2008, from Balwant Singal of NRR to Mr. Blevins.

Dear Sir or Madam:

In Reference 1, TXU Generation Company LP (Luminant Power) requested an amendment to the Comanche Peak Steam Electric Station, herein referred to as Comanche Peak Nuclear Power Plant (CPNPP) Unit 1 Operating License (NPF-87) and Unit 2 Operating License (NPF-89). The referenced letter proposes to revise Technical Specifications (TS) 3.1 entitled "Reactivity Control Systems," 3.2 entitled "Power Distribution Limits," 3.3 entitled "Instrumentation," and 5.6.5b entitled "Core Operating Limits Report (COLR)". The requested change proposes to incorporate standard Westinghouse-developed and NRC-approved analytical methods into the lists of methodologies used to establish the core operating limits.

References 2, 3, 4, 5, and 6 supplemented the proposed License Amendment of Reference 1 with additional information. In Reference 7, the NRC requests additional information pertaining to Reference 1. Attachment 1 to this letter provides the requested information.

A member of the STARS (Strategic Teaming and Resource Sharing) Alliance

Callaway · Comanche Peak · Diablo Canyon · Palo Verde · South Texas Project · Wolf Creek

ADD

NRR

Attachment 1 contains information proprietary to Westinghouse Electric Company LLC, and is supported by an affidavit signed by Westinghouse, the owner of the information. Attachment 2 is the non-proprietary version of Attachment 1. The enclosed affidavit sets forth the basis on which the information may be withheld from public disclosure by the Commission and addresses with specificity the considerations listed in paragraph (b) (4) of Section 2.390 of the Commission's regulations. Accordingly, it is respectfully requested that the information which is proprietary to Westinghouse be withheld from public disclosure in accordance with 10 CFR Section 2.390 of the Commission's regulations.

Correspondence with respect to the copyright or proprietary aspects of Attachment 1 or the supporting Westinghouse affidavit should reference CAW-08-2384 and should be addressed to J. A. Gresham, Manager, Regulatory Compliance and Plant Licensing, Westinghouse Electric Company LLC, P.O. Box 355, Pittsburgh, Pennsylvania 15230-0355.

This communication contains no new or revised commitments.

Should you have any questions, please contact Mr. J. D. Seawright at (254) 897-0140.

I state under the penalty of perjury that the foregoing is true and correct.

Executed on February 11, 2008.

Sincerely,

Luminant Generation Company LLC

Mike Blevins

By: 
Fred W. Madden
Director, Oversight & Regulatory Affairs

Attachment 1 - Response to NRC Request for Additional Information on W(z)-Related Items #1 and #2
(Proprietary)

Attachment 2 - Response to NRC Request for Additional Information on W(z)-Related Items #1 and #2
(Non-Proprietary)

Enclosure - Westinghouse authorization letter CAW-08-2384 with accompanying affidavit,
Proprietary Information Notice and Copyright Notice.

c - E. E. Collins, Region IV
B. K. Singal, NRR
Resident Inspectors, CPNPP

Ms. Alice Rogers
Environmental & Consumer Safety Section
Texas Department of State Health Services
1100 West 49th Street
Austin, Texas 78756-3189

ATTACHMENT 2 TO TXX-08024

Response to NRC Request for Additional Information on W(z)-Related Items #1 and #2

(Non-Proprietary)

- 1. Submit the Axial Offset (AO) Validity Criteria methodology and its technical basis for staff review and approval.**

CPNPP Response:

The Westinghouse Axial Offset Validity Criteria Guidance will not be used by Comanche Peak to update existing $W(z)$ values presented in the Core Operating Limits Report. If the Measured minus Predicted AO difference (Delta-AO) []^{a,c}, then an evaluation will be performed to ensure that the current $W(z)$ curves provide a conservative surveillance of the minimum transient FQ margin. [

] ^{a,c}

Alternatively, the evaluation may be performed by using the original $W(z)$ s and multipliers based on the ratio of the predicted and measured steady state axial power shape at each elevation. This ratio essentially adjusts the surveillance for differences between the measured and predicted axial power shapes.

If, based on this evaluation, the original $W(z)$ curves without the multipliers do not provide a conservative surveillance, then new $W(z)$ curves will be generated using the approved methods of WCAP-10216-P-A Revision 1A. The Core Operating Limits Report will then be updated to include the new $W(z)$ surveillance factors in accordance with Technical Specification 5.6.5b.

- 2. Explain how CPSES, Units 1 and 2, will implement the burn-up dependency of the $W(z)$ functions, where $W(z)$ represents the largest expected increase in F_q (the heat flux hot channel factor) from allowed plant operation.**

CPNPP Response:

The $W(z)$ factors are generated using the approved methods of WCAP-10216-P-A, Revision 1A. [

] ^{a,c}

ENCLOSURE TO TXX-08024

Westinghouse authorization letter CAW-08-2384 with accompanying affidavit, Proprietary Information Notice and Copyright Notice.



Westinghouse Electric Company
Nuclear Services
P.O. Box 355
Pittsburgh, Pennsylvania 15230-0355
USA

U.S. Nuclear Regulatory Commission
Document Control Desk
Washington, DC 20555-0001

Direct tel: (412) 374-4643
Direct fax: (412) 374-4011
e-mail: greshaja@westinghouse.com

Our ref: CAW-08-2384

February 6, 2008

APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE

Subject: "Response to NRC Request for Additional Information on W(z)-Related Items #1 and #2
(Proprietary)"

The proprietary information for which withholding is being requested in the above-referenced report is further identified in Affidavit CAW-08-2384 signed by the owner of the proprietary information, Westinghouse Electric Company LLC. The affidavit, which accompanies this letter, sets forth the basis on which the information may be withheld from public disclosure by the Commission and addresses with specificity the considerations listed in paragraph (b)(4) of 10 CFR Section 2.390 of the Commission's regulations.

Accordingly, this letter authorizes the utilization of the accompanying affidavit by Luminant.

Correspondence with respect to the proprietary aspects of the application for withholding or the Westinghouse affidavit should reference this letter, CAW-08-2384 and should be addressed to J. A. Gresham, Manager, Regulatory Compliance and Plant Licensing, Westinghouse Electric Company LLC, P.O. Box 355, Pittsburgh, Pennsylvania 15230-0355.

Very truly yours,

A handwritten signature in black ink, appearing to read "J. A. Gresham".

J. A. Gresham, Manager
Regulatory Compliance and Plant Licensing

Jon Thompson (NRC O-7E1A)

Enclosures

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

ss

COUNTY OF ALLEGHENY:

Before me, the undersigned authority, personally appeared J. A. Gresham, who, being by me duly sworn according to law, deposes and says that he is authorized to execute this Affidavit on behalf of Westinghouse Electric Company LLC (Westinghouse), and that the averments of fact set forth in this Affidavit are true and correct to the best of his knowledge, information, and belief:

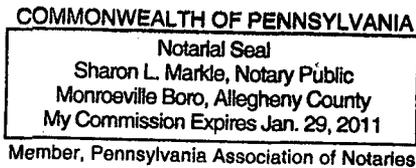


J. A. Gresham, Manager
Regulatory Compliance and Plant Licensing

Sworn to and subscribed before me
this 6th day of February, 2008



Notary Public



- (1) I am Manager, Regulatory Compliance and Plant Licensing, in Nuclear Services, Westinghouse Electric Company LLC (Westinghouse), and as such, I have been specifically delegated the function of reviewing the proprietary information sought to be withheld from public disclosure in connection with nuclear power plant licensing and rule making proceedings, and am authorized to apply for its withholding on behalf of Westinghouse.
- (2) I am making this Affidavit in conformance with the provisions of 10 CFR Section 2.390 of the Commission's regulations and in conjunction with the Westinghouse "Application for Withholding" accompanying this Affidavit.
- (3) I have personal knowledge of the criteria and procedures utilized by Westinghouse in designating information as a trade secret, privileged or as confidential commercial or financial information.
- (4) Pursuant to the provisions of paragraph (b)(4) of Section 2.390 of the Commission's regulations, the following is furnished for consideration by the Commission in determining whether the information sought to be withheld from public disclosure should be withheld.
 - (i) The information sought to be withheld from public disclosure is owned and has been held in confidence by Westinghouse.
 - (ii) The information is of a type customarily held in confidence by Westinghouse and not customarily disclosed to the public. Westinghouse has a rational basis for determining the types of information customarily held in confidence by it and, in that connection, utilizes a system to determine when and whether to hold certain types of information in confidence. The application of that system and the substance of that system constitutes Westinghouse policy and provides the rational basis required.

Under that system, information is held in confidence if it falls in one or more of several types, the release of which might result in the loss of an existing or potential competitive advantage, as follows:

 - (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.

- (b) It consists of supporting data, including test data, relative to a process (or component, structure, tool, method, etc.), the application of which data secures a competitive economic advantage, e.g., by optimization or improved marketability.
- (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.
- (d) It reveals cost or price information, production capacities, budget levels, or commercial strategies of Westinghouse, its customers or suppliers.
- (e) It reveals aspects of past, present, or future Westinghouse or customer funded development plans and programs of potential commercial value to Westinghouse.
- (f) It contains patentable ideas, for which patent protection may be desirable.

There are sound policy reasons behind the Westinghouse system which include the following:

- (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.
- (b) It is information that is marketable in many ways. The extent to which such information is available to competitors diminishes the Westinghouse ability to sell products and services involving the use of the information.
- (c) Use by our competitor would put Westinghouse at a competitive disadvantage by reducing his expenditure of resources at our expense.

- (d) Each component of proprietary information pertinent to a particular competitive advantage is potentially as valuable as the total competitive advantage. If competitors acquire components of proprietary information, any one component may be the key to the entire puzzle, thereby depriving Westinghouse of a competitive advantage.
 - (e) Unrestricted disclosure would jeopardize the position of prominence of Westinghouse in the world market, and thereby give a market advantage to the competition of those countries.
 - (f) The Westinghouse capacity to invest corporate assets in research and development depends upon the success in obtaining and maintaining a competitive advantage.
- (iii) The information is being transmitted to the Commission in confidence and, under the provisions of 10 CFR Section 2.390, it is to be received in confidence by the Commission.
- (iv) The information sought to be protected is not available in public sources or available information has not been previously employed in the same original manner or method to the best of our knowledge and belief.
- (v) The proprietary information sought to be withheld in this submittal is that which is appropriately marked in "brackets" in, "Response to NRC Request for Additional Information on W(z)-Related Items #1 and #2 (Proprietary), for submittal to the Commission, being transmitted by Luminant Power letter and Application for Withholding Proprietary Information from Public Disclosure, to the Document Control Desk. The proprietary information in, "Response to NRC Request for Additional Information on W(z)-Related Items #1 and #2 (Proprietary), as submitted for use by Westinghouse for Comanche Peak Nuclear Power Plant Units 1 and 2 is expected to be applicable for other licensee submittals in response to certain NRC requirements for justification of stretch power uprating.

This information is part of that which will enable Westinghouse to:

- (a) Provide information in support of plant power uprate licensing submittals.

- (b) Provide customer specific response to NRC requests for information.
- (c) Provide licensing support for customer submittals.

Further this information has substantial commercial value as follows:

- (a) Westinghouse plans to sell the use of similar information to its customers for purposes of meeting NRC requirements for licensing documentation associated with power uprate licensing submittals.
- (b) Westinghouse can sell support and defense of the use of the technology to its customer in the licensing process.
- (c) The information requested to be withheld reveals the distinguishing aspects of a methodology which was developed by Westinghouse.

Public disclosure of this proprietary information is likely to cause substantial harm to the competitive position of Westinghouse because it would enhance the ability of competitors to provide similar calculations and licensing defense services for commercial power reactors without commensurate expenses. Also, public disclosure of the information would enable others to use the information to meet NRC requirements for licensing documentation without purchasing the right to use the information:

The development of the technology described in part by the information is the result of applying the results of many years of experience in an intensive Westinghouse effort and the expenditure of a considerable sum of money.

In order for competitors of Westinghouse to duplicate this information, similar technical programs would have to be performed and a significant manpower effort, having the requisite talent and experience, would have to be expended.

Further the deponent sayeth not.

Proprietary Information Notice

Transmitted herewith are proprietary and/or non-proprietary versions of documents furnished to the NRC in connection with requests for generic and/or plant-specific review and approval.

In order to conform to the requirements of 10 CFR 2.390 of the Commission's regulations concerning the protection of proprietary information so submitted to the NRC, the information which is proprietary in the proprietary versions is contained within brackets, and where the proprietary information has been deleted in the non-proprietary versions, only the brackets remain (the information that was contained within the brackets in the proprietary versions having been deleted). The justification for claiming the information so designated as proprietary is indicated in both versions by means of lower case letters (a) through (f) located as a superscript immediately following the brackets enclosing each item of information being identified as proprietary or in the margin opposite such information. These lower case letters refer to the types of information Westinghouse customarily holds in confidence identified in Sections (4)(ii)(a) through (4)(ii)(f) of the affidavit accompanying this transmittal pursuant to 10 CFR 2.390(b)(1).

Copyright Notice

The reports transmitted herewith each bear a Westinghouse copyright notice. The NRC is permitted to make the number of copies of the information contained in these reports which are necessary for its internal use in connection with generic and plant-specific reviews and approvals as well as the issuance, denial, amendment, transfer, renewal, modification, suspension, revocation, or violation of a license, permit, order, or regulation subject to the requirements of 10 CFR 2.390 regarding restrictions on public disclosure to the extent such information has been identified as proprietary by Westinghouse, copyright protection notwithstanding. With respect to the non-proprietary versions of these reports, the NRC is permitted to make the number of copies beyond those necessary for its internal use which are necessary in order to have one copy available for public viewing in the appropriate docket files in the public document room in Washington, DC and in local public document rooms as may be required by NRC regulations if the number of copies submitted is insufficient for this purpose. Copies made by the NRC must include the copyright notice in all instances and the proprietary notice if the original was identified as proprietary.