



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

September 25, 2009

Mr. Rafael Flores
Senior Vice President and
Chief Nuclear Officer
Luminant Generation Company LLC
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. ME1446 AND ME1447)

Dear Mr. Flores:

By letter dated August 20, 2009 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML092370303), Luminant Generation Company LLC (Luminant) submitted an affidavit dated August 13, 2009, executed by J. A. Gresham, Manager, Regulatory Compliance and Plant Licensing, Westinghouse Electric Company LLC (Westinghouse), requesting that information designated proprietary in the following document be withheld from public disclosure pursuant to paragraph (a)(4) of Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

- LTR-SGMP-09-100 P-Attachment, "Response to NRC Request for Additional Information on H*; Model F and Model D5 Steam Generators," dated August 12, 2009 (Proprietary)

The proprietary version of the document and the Westinghouse affidavit are Enclosures 1 and 3, respectively, to the letter dated August 20, 2009, from Luminant to the U.S. Nuclear Regulatory Commission (NRC), for the Comanche Peak Steam Electric Station (CPSES), Units 1 and 2.

By letter dated August 27, 2009 (ADAMS Accession No. ML092520324), Luminant submitted an affidavit dated August 27, 2009, executed by J. A. Gresham, Manager, Regulatory Compliance and Plant Licensing, Westinghouse, requesting that information designated proprietary in the following document be withheld from public disclosure pursuant to 10 CFR 2.390(a)(4):

- LTR-SGMP-09-109 P-Attachment, "Response to NRC Request for Additional Information on H*; RAI #4; Model F and Model D5 Steam Generators," dated August 25, 2009 (Proprietary)

The proprietary version of the document and the Westinghouse affidavit are Enclosures 1 and 3, respectively, to the letter dated August 27, 2009, from Luminant to the NRC, for the CPSES, Units 1 and 2.

Non-proprietary versions of the documents, provided as Enclosure 2 to the letters dated August 20 and 27, 2009, have been placed in the NRC's Public Document Room and added to the ADAMS Public Electronic Reading Room (ADAMS Accession Nos. ML092370304 and ML092520324, respectively).

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.

The NRC staff has reviewed your application and the material designated as proprietary in the above listed reports in accordance with the requirements of 10 CFR 2.390 and, on the basis of your statements, and determined that the submitted reports sought to be withheld contain proprietary commercial information and should be withheld from public disclosure. Therefore, this information 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.

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.

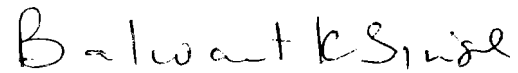
If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the 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.

R. Flores

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If you have any questions regarding this matter, I may be reached at (301) 415-3016.

Sincerely,

A handwritten signature in black ink that reads "Balwant K. Singal". The signature is written in a cursive style with a large initial 'B'.

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: Distribution via Listserv

R. Flores

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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: Distribution via Listserv

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ADAMS Accession No.: ML092510310

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