

January 3, 2011

Rafael Flores, Senior Vice President  
Nuclear Engineering & Support  
Luminant Generation Company, LLC.  
P.O. Box 1002  
Glen Rose, TX 76043

SUBJECT: LUMINANT GENERATION COMPANY, LLC. - REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR COMANCHE PEAK NUCLEAR POWER PLANT, UNITS 3 AND 4, RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION RELATED TO COMBINED LICENSE APPLICATION PART 1, "ADMINISTRATIVE AND FINANCIAL INFORMATION," REVISION 1, DATED OCTOBER 14, 2010

Dear Mr. Flores:

By letter to the U.S. Nuclear Regulatory Commission (NRC) dated December 16, 2010, you submitted an affidavit, dated December 13, 2010, requesting that the information contained in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

COMANCHE PEAK NUCLEAR POWER PLANT, UNITS 3 AND 4  
DOCKET NUMBERS 52-034 AND 52-035  
RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION RELATED TO  
COLA PART 1 DATED OCTOBER 14, 2010

A nonproprietary copy of this document 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 (ML103540244).

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reason:

- Luminant and CPNPC are providing information in support of the combined license application for Comanche Peak Nuclear Power Plant, Units 3 and 4. The attached draft Form of Construction and Operating Services Agreement and the Amended and Restated Limited Liability Agreement for CPNPC contain contractual information and other information related to the financing and development of Units 3 and 4, all of which is considered confidential and sensitive business information. The disclosure of this information would permit competitors to gain commercial advantages through access to non-public information about Luminant and CPNPC, and the project's financial responsibilities and agreements. Additionally, competitors could analyze this data to identify strengths and weaknesses of Luminant, and CPNPC, and could capitalize on this data.

We have reviewed your application and the materials in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavit, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure. Therefore, the versions of 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.

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 appropriated 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 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) 415-1544, or via e-mail at [Stephen.Monarque@nrc.gov](mailto:Stephen.Monarque@nrc.gov).

Sincerely,

*/RA/*

Stephen Monarque, Project Manager  
US-APWR Projects Branch  
Division of New Reactor Licensing  
Office of New Reactors

Docket Nos. 52-034 and 52-035

cc: See next page

We have reviewed your application and the materials in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavit, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure. Therefore, the versions of 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.

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 appropriated 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 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) 415-1544, or via e-mail at [Stephen.Monarque@nrc.gov](mailto:Stephen.Monarque@nrc.gov).

Sincerely,

*/RA/*

Stephen Monarque, Project Manager  
US-APWR Projects Branch  
Division of New Reactor Licensing  
Office of New Reactors

Docket Nos. 52-034 and 52-035

cc: See next page

DISTRIBUTION:

PUBLIC	RidsOgcMailCenter	RidsNroLACSmith
NMIP R/F	RidsAcrcAcnwMailCenter	RidsNroDnrINmip
D090		

**ADAMS ACCESSION NO.: ML103620461** **NRO-002**

<b>OFFICE</b>	DNRL/NMIP: PM:	DNRL/NMIP: LA
<b>NAME</b>	SMonarque	CSmith
<b>DATE</b>	01/3/2011	01/3/2011

**OFFICIAL RECORD COPY**

COL - Comanche Peak Mailing List  
cc:

(Revised 08/24/2010)

Certrec Corporation  
CPNPP 34 LRS  
4200 South Hulen Street  
Suite 422  
Fort Worth, TX 76109

Ms. Michele Boyd  
Legislative Director  
Energy Program  
Public Citizens Critical Mass Energy  
and Environmental Program  
215 Pennsylvania Avenue, SE  
Washington, DC 20003

Director  
Division of Compliance & Inspection  
Bureau of Radiation Control  
Texas Department of State Health Services  
1100 West 49th Street  
Austin, TX 78756-3189

## COL - Comanche Peak Mailing List

### Email

APH@NEI.org (Adrian Heymer)  
awc@nei.org (Anne W. Cottingham)  
bfine@co.hood.tx.us (Brian Fine)  
Bill.Moore@luminant.com (Bill Moore)  
BrinkmCB@westinghouse.com (Charles Brinkman)  
brock.degeyter@energyfutureholdings.com (Brock Degeyter)  
chris.maslak@ge.com (Chris Maslak)  
cindy@seedcoalition.org (Cindy)  
ck\_paulson@mnes-us.com (Keith Paulson)  
cp34update@certrec.com (CPNPP LRS)  
CumminWE@Westinghouse.com (Edward W. Cummins)  
cwaltman@roe.com (C. Waltman)  
david.lewis@pillsburylaw.com (David Lewis)  
Dennis.Buschbaum@luminant.com (Denny Buschbaum)  
Derlinda.Bailey@chguernsey.com (Derinda Bailey)  
derrell.mccravey@co.somervell.tx.us (Somervell County Chief Deputy Derrell McCravey)  
donald.woodlan@luminant.com (Donald Woodlan)  
ed.burns@earthlink.net (Ed Burns)  
eliza.seedcoalition@gmail.com (Elza Brown)  
Fred.Madden@luminant.com (Fred Madden)  
gedgar@morganlewis.com (George Edgar)  
gzinke@entergy.com (George Alan Zinke)  
JCaldwell@luminant.com (Jan Caldwell)  
jeff.simmons@energyfutureholdings.com (Jeff Simmons)  
jgutierrez@morganlewis.com (Jay M. Gutierrez)  
jim.riccio@wdc.greenpeace.org (James Riccio)  
John.Only@luminant.com (John Only)  
Joseph\_Hegner@dom.com (Joseph Hegner)  
joseph\_tapia@mnes-us.com (Joseph Tapia)  
jrund@morganlewis.com (Jonathan Rund)  
karen@seedcoalition.org (Karen Hadden)  
KSutton@morganlewis.com (Kathryn M. Sutton)  
kwaugh@impact-net.org (Kenneth O. Waugh)  
lchandler@morganlewis.com (Lawrence J. Chandler)  
lon.burnam@house.state.tx.us (Lon Burnam)  
Marc.Brooks@dhs.gov (Marc Brooks)  
maria.webb@pillsburylaw.com (Maria Webb)  
mark.beaumont@wsms.com (Mark Beaumont)  
Mark.Crisp@chguernsey.com (Mark Crisp)  
masanori\_onozuka@mnes-us.com (Masanori Onozuka)  
matias.travieso-diaz@pillsburylaw.com (Matias Travieso-Diaz)  
mayorsouthern@granbury.org (Mayor David Southern)  
media@nei.org (Scott Peterson)  
mike.blevins@luminant.com (Mike Blevins)

COL - Comanche Peak Mailing List

mike\_moran@fpl.com (Mike Moran)  
mjohnson@citizen.org (Matt Johnson)  
mlucas3@luminant.com (Mitch Lucas)  
MSF@nei.org (Marvin Fertel)  
nirsnet@nirs.org (Michael Mariotte)  
Nuclaw@mindspring.com (Robert Temple)  
patriciaL.campbell@ge.com (Patricia L. Campbell)  
Paul@beyondnuclear.org (Paul Gunter)  
plarimore@talisman-intl.com (Patty Larimore)  
pshastings@duke-energy.com (Peter Hastings)  
rbird1@luminant.com (Bobby Bird)  
rdeeds@co.hood.tx.us (Hood County Sheriff Roger Deeds)  
RJB@NEI.org (Russell Bell)  
sabinski@suddenlink.net (Steve A. Bennett)  
sandra.sloan@areva.com (Sandra Sloan)  
sfrantz@morganlewis.com (Stephen P. Frantz)  
shinji\_kawanago@mnes-us.com (Shinji Kawanago)  
stephan.moen@ge.com (Stephan Moen)  
tgilder1@luminant.com (Tim Gilder)  
tmatthews@morganlewis.com (T. Matthews)  
Vanessa.quinn@dhs.gov (Vanessa Quinn)  
Wanda.K.Marshall@dom.com (Wanda K. Marshall)