

October 20, 2003

Mr. H. A. Sepp  
Manager of Regulatory  
and Licensing Engineering  
Westinghouse Electric Company  
P.O. Box 355  
Pittsburgh, PA 15230-0355

SUBJECT: COMANCHE PEAK STEAM ELECTRIC STATION, UNITS 1 AND 2 - REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE CONCERNING WESTINGHOUSE PROPRIETARY LETTER WPT-16357 AND PROPRIETARY DRAWING 1061E26, SHEET 1, REVISION B AND SHEET 2, REVISION - (TAC NO. MB7684)

Dear Mr. Sepp:

By letter dated March 6, 2003, TXU Generation Company, LP, submitted your affidavit CAW-03-1598 dated February 10, 2003, to the U. S. Nuclear Regulatory Commission (NRC), which addressed the proprietary information related to the Westinghouse Electric Company LLC (Westinghouse) Proprietary Letter WPT-16357, "Evaluation of 11 NLP and 6 NSA 7300 Cards," and Westinghouse Proprietary Drawing 1061E26, Sheet 1, Revision B, and Sheet 2, Revision -, "Printed Wiring Assembly Power Range Amplifier 414 NI Subassembly," and requested that the information be withheld from public disclosure.

Pursuant to the provisions of paragraph (b)(4) of Section 2.790 of Title 10 of the *Code of Federal Regulations* (10 CFR), the affidavit included the following reasons for the submitted information to be considered exempt from mandatory public disclosure:

- (a) Westinghouse plans to sell the use of similar information to its customers for purposes of the elimination of response time testing requirements.
- (b) Westinghouse can sell support and defense of the methodology in the licensing process.
- (c) The information requested to be withheld reveals the distinguishing aspects of a methodology which was developed by Westinghouse.

The NRC staff has reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, 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 will be withheld from public disclosure pursuant to 10 CFR 2.790(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, the NRC staff may send

copies of this information to consultants working in this area. In this event, the NRC staff will 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, Westinghouse should promptly notify the NRC. Westinghouse should also 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, please contact me at 301-415-1476.

Sincerely,

**/RA/**

Mohan C. Thadani. Senior Project Manager, Section 1  
Project Directorate IV  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket Nos. 50-445 and 50-446

cc: See next page

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Sincerely,

/RA/

Mohan C. Thadani, Senior Project Manager, Section 1  
Project Directorate IV  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket Nos. 50-445 and 50-446

cc: See next page

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Comanche Peak Steam Electric Station

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