

September 27, 2001

Mr. C. Lance Terry
TXU Electric
Senior Vice President &
Principal Nuclear Officer
Attn: Regulatory Affairs Department
P. O. Box 1002
Glen Rose, Texas 76043

SUBJECT: COMANCHE PEAK STEAM ELECTRIC STATION, UNITS 1 AND 2 - REQUEST
FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
(TAC NOS. MB2203 AND MB2204)

Dear Mr. Terry:

By supplemental letter dated August 31, 2001 (TXX-01144), to your June 19, 2001 (TXX-01099), application for an Order and License Amendments concerning the transfer of facility operating licenses for Comanche Peak Steam Electric Station, Units 1 and 2, you submitted additional financial data contained in Enclosure 4, and requested that it be withheld from public disclosure, pursuant to 10 CFR 2.790 and 10 CFR 9.17(a)(4). Your affidavit dated August 31, 2001, was provided in Enclosure 2 to TXX-01144. A nonproprietary version of Enclosure 4, designated as Enclosure 3 to TXX-01144, was also provided for placement in the Nuclear Regulatory Commission's (NRC) public document room and has been added to the Agencywide Documents Access and Management Systems Publicly Available Records System (ADAMS PARS) Library.

The August 31, 2001, affidavit stated that Enclosure 4 to TXX-01144 should be considered exempt from mandatory public disclosure based on the following criteria:

- i. This information is and has been held in confidence by TXU Electric.
- ii. This information is of a type that is held in confidence by TXU Electric and there is a rational basis for doing so because the information contains sensitive financial information concerning the projected revenues and operating expenses of TXU Electric and its successors and affiliates.
- iii. This information is being transmitted to the NRC in confidence.
- iv. This information is not available in public sources and could not be gathered readily from other publicly available information.
- v. Public disclosure of this information would create substantial harm to the competitive position of TXU Electric and its successors and affiliates by disclosing their internal financial projects.

We have reviewed your supplemental request and the material in accordance with the requirements of 10 CFR 2.790 and 10 CFR 9.17(a)(4). On the basis of your statements, we have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the version of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.790(b)(5) and 10 CFR 9.15 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.

Sincerely,

/RA/

David H. Jaffe, 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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/RA/

David H. Jaffe, 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

cc:

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Honorable Dale McPherson
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April 2001