

November 9, 2004

Mr. David G. Tees  
Manager and President  
Texas Genco GP, LLC  
1111 Louisiana  
Houston, TX 77002

Mr. Jack A. Fusco  
Chief Executive Officer  
GC Power Acquisition, LLC  
12301 Kurland Drive, 4th Floor  
Houston, TX 77034

Messrs. Tees and Fusco:

SUBJECT: TEXAS GENCO GP, LLC AND GC POWER ACQUISITION, LLC - REQUEST  
FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR  
SOUTH TEXAS PROJECT, UNITS 1 AND 2 (TAC NOS. MC4732 AND  
MC4733)

Dear Gentlemen:

By letter dated October 12, 2004, STP Nuclear Operating Company, acting on behalf of Texas Genco, LP, CenterPoint Energy, Inc., and GC Power Acquisition, LLC, submitted an affidavit dated October 8, 2004, and an affidavit dated October 6, 2004. The affidavits requested that the information contained in the following attachments to the October 12, 2004, letter be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

Attachment 5A

Attachment 6A

Attachment 7A

A nonproprietary copy of these attachments has been placed in the Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room (ADAMS). (Note: Public access to ADAMS has been temporarily suspended so that security reviews of publicly available documents may be performed and potentially sensitive information removed. Please check the NRC Web site for updates on the resumption of ADAMS access.)

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

- i. This information is and has been held in confidence by the applicant.

- ii. This information is of a type that is customarily held in confidence by the applicant, and there is a rational basis for doing so because the information contains sensitive financial information concerning projected revenues and operating expenses of the applicant.
- iii. This information is being transmitted to the NRC voluntarily and 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 the applicant by disclosing its internal financial projections.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of your statements, 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 2.390(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.

If you have any questions regarding this matter, I may be reached at 301-415-1439.

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. 50-498 and 50-499

cc: See next page

- ii. This information is of a type that is customarily held in confidence by the applicant, and there is a rational basis for doing so because the information contains sensitive financial information concerning projected revenues and operating expenses of the applicant.
- iii. This information is being transmitted to the NRC voluntarily and in confidence.
- iv. This information is not available in public sources and could not be gathered readily from other publicly available information.
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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. 50-498 and 50-499

cc: See next page

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DATE	11/9/04	11/5/04	10/27/04	11/9/04

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South Texas Project, Units 1 & 2

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November 2004

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