

August 30, 2006

Mr. Michael Greene
Chairman and Chief Executive Officer
TXU Power
Energy Plaza
1601 Bryan Street
Dallas, TX 75201

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE

Dear Mr. Greene:

By application and associated affidavit dated June 27, 2006 (ADAMS Accession No. ML061840596), you submitted information to the NRC and requested that the information be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations*, Section 2.390 (10 CFR 2.390).

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

- (1) The information is commercially and financially sensitive information and that premature release to the public would cause TXU Power and its affiliates competitive and financial harm,
- (2) The information has been held in confidence by TXU Power, and is of the type that it customarily holds in confidence, and
- (3) The information was submitted to the Nuclear Regulatory Commission (NRC) in confidence, and is not available in public sources.

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 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 301-415-1311.

Sincerely,

/RA/

Larry J. Burkhart, Project Manager
AP1000/EPR Projects Branch
Division of New Reactor Licensing
Office of Nuclear Reactor Regulation

cc: See next page

M. Greene

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Sincerely,

/RA/

Lawrence J. Burkhart, Project Manager
AP1000/EPR Projects Branch
Division of New Reactor Licensing
Office of Nuclear Reactor Regulation

cc: See next page

ACCESSION NUMBER: ML062350566

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