

September 23, 2008

Kenneth A. Ainger
Director – New Plant Licensing
Exelon Nuclear Texas Holdings, LLC
4300 Winfield Road
Warrenville, IL 60555

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
FOR VICTORIA COUNTY STATION, UNITS 1 AND 2 (TAC NO. RE8150)

Dear Mr. Ainger:

By letter dated September 2, 2008, you submitted an affidavit, executed by Mr. Thomas O'Neill, dated September 2, 2008, in which you requested 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:

Application for Combined Licenses for Victoria County Station Units 1 and 2

A nonproprietary copy of this document was submitted and can be found in the U. S. Nuclear Regulatory Commission's (NRC's) Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room (ML082540128) and the public website .

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

- i. This information is owned and has been held in confidence by Exelon and its affiliates.
- ii. This information is of a type that is customarily held in confidence by Exelon and its affiliates, and there is a rationale basis for doing so because the information contains sensitive financial information concerning projections for construction, fuel supply, operating revenues and operating expenses of Exelon.
- 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 Exelon and its affiliates 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 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.

K. Aigner

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Therefore, the version(s) 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) 415-4045 or by e-mail at Mark.Tonacci@nrc.gov.

Sincerely,

/RA/

Mark Tonacci, Senior Project Manager
ESBWR/ABWR Projects Branch 2
Division of New Reactor Licensing
Office of New Reactors

Project No. 761

cc: See next page

K. Ainger

- 2 -

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Sincerely,
/RA/
Mark Tonacci, Senior Project Manager
ESBWR/ABWR Projects Branch 2
Division of New Reactor Licensing
Office of New Reactors

Project No. 761
cc: See next page

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DATE	09/10/2008	09/11/2008	09/11/2008	9/23/2008	09/17/2008

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COL Exelon - Victoria Mailing List

(Revised 09/10/2008)

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