

August 23, 2011

Ms. Marilyn C. Kray, Vice President
New Plant Development
Exelon Generation
200 Exelon Way
Kennett Square, PA 19348

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
FOR VICTORIA COUNTY STATION EARLY SITE PERMIT APPLICATION

Dear Ms. Kray:

By letter dated June 23, 2011, you submitted an affidavit dated June 9, 2011, executed by Mr. John. K. Atwell, Manager of Nuclear Operations, of Bechtel Power Corporation (Bethel), requesting that the response to RAI 11.02-5 contains information specifically considered to be proprietary to Bechtel that should be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 2, Section 2.390.

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

- i. The information sought to be withheld from public disclosure is owned and has been held in confidence by Bechtel.
- ii. The information is of a type customarily held in confidence by Bechtel and not customarily disclosed to the public. Bechtel has a rational basis for determining the types of information customarily held in confidence by it and, in that connection, utilizes a system to determine when and whether to hold certain types of information in confidence. The application of that system and the substance of that system constitute Bechtel policy and provide the rational basis required.
- iii. This information is being transmitted to the Commission in confidence and, under the provisions of 10 CFR Section 2.90; it is to be received in confidence by the Commission.
- iv. The information sought to be protected is not available in public sources or available information has not been previously employed in the same original manner or method to the best of our knowledge and belief.

- v. The proprietary information sought to be withheld is Bechtel Calculation 25352-000-M0C-HARA-00003, "Radiological Impacts of Normal Operation for ESP," Revision 4, 6/9/11, which is prepared to support the evaluation of radiation doses due to liquid and gaseous effluents under normal operation as documented in the Victoria County Station ESPA SSAR Sections 11.2.3.2, "Liquid Pathway Doses," and 11.3.3.2, "Gaseous Pathway Doses."
- vi. This calculation was prepared by Bechtel to determine the following from the normal operation of the proposed new units: activity concentrations in water and air from liquid and gaseous effluents; doses to members of the public; and doses to construction workers during the period that at least one unit is operating and another unit is under construction at Victoria County Station.

We have reviewed the June 23, 2011, letter and the affidavit 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 301-415-6197 or Tekia.Govan@nrc.gov

Sincerely,

/RA/

Tekia Govan, Project Manager
BWR Projects Branch
Division of New Reactor Licensing
Office of New Reactors

Docket Nos.: 52-042

cc: See next page

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/RA/

Tekia Govan, Project Manager
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DATE	08/23/2011	08/22/2011

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ESP - Exelon - Victoria Mailing List

(Revised 04/06/2011)

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ESP - Exelon - Victoria Mailing List

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