

August 25, 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 16, 2011, you submitted an affidavit dated June 8, 2011, executed by Julie Kay Hardie, Vice President, Legal, Seismic Exchange, Inc., requesting that Attachment 1A 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:

- a. This Proprietary Information: (i) constitutes highly valuable confidential information and trade secrets of Seismic Exchange; (ii) is owned and held in confidence by Seismic Exchange; and (iii) is licensed to Exelon pursuant to that Master Geophysical Data-Use License dated February 29, 2008, which contains strict confidentiality and non-disclosure obligations on the part of Exelon with regard to the Proprietary Information that is the subject matter of this Affidavit and the ESPA.
- b. It is the ordinary course of business and the customary practice and procedure of Seismic Exchange to maintain and require confidentiality and non-disclosure of its proprietary geophysical data, including the Proprietary Information described herein.
- c. Seismic Exchange understands that this Proprietary Information is being transmitted to the NRC voluntarily and in confidence.
- d. This Proprietary Information is neither in the public domain nor available in public sources and could not be gathered readily from other publicly-available information.

- e. Public disclosure of this Proprietary Information would create substantial and irreparable harm to Seismic Exchange, including its competitive position, as this Proprietary Information contains Seismic Exchange's highly valuable trade secrets and proprietary and confidential information. Furthermore, Seismic Exchange incurred significant costs to acquire the Proprietary Information.

A redacted, non-proprietary copy of this information was provided in Attachment 1 and was placed in the U.S. Nuclear Regulatory Commission (NRC) Public Document Room and added to the Agencywide Document Access and Management System Public Electronic Reading Room.

We have reviewed the June 16, 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](mailto: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

- e. Public disclosure of this Proprietary Information would create substantial and irreparable harm to Seismic Exchange, including its competitive position, as this Proprietary Information contains Seismic Exchange's highly valuable trade secrets and proprietary and confidential information. Furthermore, Seismic Exchange incurred significant costs to acquire the Proprietary Information.

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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

E-Mail

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|--------|-------------|--------------|
| OFFICE | DNRL:BWR:PM | DNRL/BWR /LA |
| NAME   | TGovan      | SGreen       |
| DATE   | 08/25/2011  | 08/23/2011   |

**OFFICIAL RECORD COPY**

ESP - Exelon - Victoria Mailing List  
cc:

(Revised 04/06/2011)

Ms. Michele Boyd  
Legislative Director  
Energy Program  
Public Citizens Critical Mass Energy  
and Environmental Program  
215 Pennsylvania Avenue, SE  
Washington, DC 20003

## ESP - Exelon - Victoria Mailing List

### Email

annie@ieer.org (Annie Makhijani)  
APH@NEI.org (Adrian Heymer)  
Arjun@ieer.org (Arjun Makhijani)  
awc@nei.org (Anne W. Cottingham)  
BrinkmCB@westinghouse.com (Charles Brinkman)  
charles@blackburncarter.com (Charles Irvine)  
cwaltman@roe.com (C. Waltman)  
david.distel@exeloncorp.com (David Distel)  
david.lewis@pillsburylaw.com (David Lewis)  
dcurran@harmoncurran.com (Diane Curran)  
Derinda.Bailey@chguernsey.com (Derinda Bailey)  
donald.woodlan@luminant.com (Donald Woodlan)  
ed.burns@earthlink.net (Ed Burns)  
gcesare@enercon.com (Guy Cesare)  
jbb@blackburncarter.com (Jim Blackburn)  
jerald.head@ge.com (Jerald G. Head)  
jim.riccio@wdc.greenpeace.org (James Riccio)  
Joseph\_Hegner@dom.com (Joseph Hegner)  
Joshua.Trembley@execoncorp.com (Joshua Trembley)  
jrund@morganlewis.com (Jonathan Rund)  
karen@seedcoalition.org (Karen Hadden)  
KSutton@morganlewis.com (Kathryn M. Sutton)  
kwaugh@impact-net.org (Kenneth O. Waugh)  
lchandler@morganlewis.com (Lawrence J. Chandler)  
ldblaylock@cpsenergy.com (Larry Blaylock)  
Marc.Brooks@dhs.gov (Marc Brooks)  
maria.webb@pillsburylaw.com (Maria Webb)  
marilyn.kray@exeloncorp.com  
mark.beaumont@wsms.com (Mark Beaumont)  
Mark.Crisp@chguernsey.com (Mark Crisp)  
matias.travieso-diaz@pillsburylaw.com (Matias Travieso-Diaz)  
media@nei.org (Scott Peterson)  
mfraser@harmoncurran.com (Matthew Fraser)  
mike\_moran@fpl.com (Mike Moran)  
MSF@nei.org (Marvin Fertel)  
nirsnet@nirs.org (Michael Mariotte)  
Nuclaw@mindspring.com (Robert Temple)  
patriciaL.campbell@ge.com (Patricia L. Campbell)  
Paul@beyondnuclear.org (Paul Gunter)  
pbessette@morganlewis.com (Paul Bessette)  
pshastings@duke-energy.com (Peter Hastings)  
RJB@NEI.org (Russell Bell)  
sabinski@suddenlink.net (Steve A. Bennett)  
sandra.sloan@areva.com (Sandra Sloan)

ESP - Exelon - Victoria Mailing List

sfrantz@morganlewis.com (Stephen P. Frantz)

stephan.moen@ge.com (Stephan Moen)

Vanessa.quinn@dhs.gov (Vanessa Quinn)

Wanda.K.Marshall@dom.com (Wanda K. Marshall)