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**Morgan Lewis**  
C O U N S E L O R S   A T   L A W

**Jonathan M. Rund**  
202.739.5061  
jrund@morganlewis.com

September 1, 2011

Michael M. Gibson, Chair  
Dr. Anthony J. Baratta  
Dr. Mark O. Barnett  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Docket:        Exelon Nuclear Texas Holdings, LLC, Early Site Permit for Victoria County  
                  Station Site, Docket No. 52-042

Re:             Non-Disclosure Affidavits

Dear Licensing Board Members:

Pursuant to the Amended Protective Order issued on August 26, 2011, attached are non-disclosure affidavits allowing access to sensitive unclassified non-safeguards information, executed by Exelon counsel, Steven Frantz, Jonathan Rund, Stephen Burdick, and Lance Escher, and Exelon employees, Marilyn Kray, David Distel, Christopher Kerr, and Joshua Trembley.

Respectfully submitted,

*Signed (electronically) by Jonathan M. Rund*

Jonathan M. Rund  
Morgan, Lewis & Bockius LLP  
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Washington, DC 20004  
Phone: 202-739-5061  
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E-mail: [jrund@morganlewis.com](mailto:jrund@morganlewis.com)

*Counsel for Exelon Nuclear Texas Holdings, LLC*

cc:        Service List

Attachments

# NON-DISCLOSURE AFFIDAVIT

I, Steven P. Frantz, being duly sworn, state:  
(Print Name)

1. I have read the August 26, 2011 Atomic Safety and Licensing Board Amended Protective Order issued in this proceeding and will comply in all respects with its terms and conditions regarding the Protected Information produced in connection therewith. I will protect and keep confidential all Sensitive Unclassified Non-Safeguards Information (SUNSI), including security related and/or proprietary information in accordance with the terms of this Non-Disclosure Affidavit.
2. I will not disclose SUNSI to anyone except an authorized person. I will protect documents containing or revealing SUNSI in written or recorded form (including any portions of transcripts of in camera hearings, filed testimony, or any other documents that contain or reveal such SUNSI), so that the SUNSI contained therein remains at all times under the control of an authorized person and is not revealed to anyone else.
3. When not under my direct control or the direct control of another authorized person, I will keep and protect all documents containing or revealing SUNSI (including, without limitation, transcripts, pleadings that I may generate, and any notes and copies that I may make) in a secure locked place such as a filing cabinet, closet, or other storage container. I will not transmit by facsimile transmission any material containing SUNSI.
4. Each document that contains or reveals SUNSI shall be marked "Contains SUNSI Information" in a conspicuous manner.
5. Neither during nor after this proceeding will I publicly reveal any SUNSI that I receive by virtue of this proceeding as long as the information remains SUNSI and is not otherwise a matter of public record.
6. I acknowledge that any violation of the terms of this affidavit or the Licensing Board's Protective Order, which incorporates the terms and conditions of this affidavit, may result in the imposition of such sanctions on me that the Licensing Board or the Commission deems to be appropriate.

WHEREFORE, I do solemnly agree to protect and keep confidential such Protected Information as may be disclosed to me in this proceeding, in accordance with the terms of this affidavit.

Steven P. Frantz  
(Signature)

Subscribed to and sworn before me this 30<sup>th</sup> day of August, 2011.

Notary Public Kim M. Benz  
Notary Public, District of Columbia  
My commission expires: My Commission Expires 10/14/2011

**NON-DISCLOSURE AFFIDAVIT**

I, Jonathan M. Rund, being duly sworn, state:  
(Print Name)

1. I have read the August 26, 2011 Atomic Safety and Licensing Board Amended Protective Order issued in this proceeding and will comply in all respects with its terms and conditions regarding the Protected Information produced in connection therewith. I will protect and keep confidential all Sensitive Unclassified Non-Safeguards Information (SUNSI), including security related and/or proprietary information in accordance with the terms of this Non-Disclosure Affidavit.
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WHEREFORE, I do solemnly agree to protect and keep confidential such Protected Information as may be disclosed to me in this proceeding, in accordance with the terms of this affidavit.

Jonathan M. Rund  
(Signature)

Subscribed to and sworn before me this 31<sup>st</sup> day of August, 2011.

Notary Public

My commission expires: 01-01-2013

Shannon S. Staton

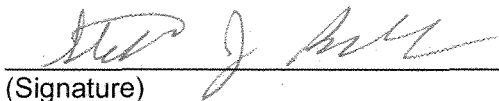
Shannon S. Staton  
Notary Public, District of Columbia  
My Commission Expires 01-01-2013

### NON-DISCLOSURE AFFIDAVIT

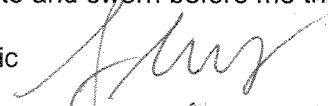
I, Stephen J. Burdick, being duly sworn, state:  
(Print Name)

1. I have read the August 26, 2011 Atomic Safety and Licensing Board Amended Protective Order issued in this proceeding and will comply in all respects with its terms and conditions regarding the Protected Information produced in connection therewith. I will protect and keep confidential all Sensitive Unclassified Non-Safeguards Information (SUNSI), including security related and/or proprietary information in accordance with the terms of this Non-Disclosure Affidavit.
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WHEREFORE, I do solemnly agree to protect and keep confidential such Protected Information as may be disclosed to me in this proceeding, in accordance with the terms of this affidavit.

  
(Signature)

Subscribed to and sworn before me this 31<sup>st</sup> day of August, 2011.

Notary Public 

My commission expires: 01-01-2013

Shannon S. Staton  
Notary Public, District of Columbia  
My Commission Expires 01-01-2013

Shannon S. Staton  
Notary Public, District of Columbia  
My Commission Expires 01-01-2013



### NON-DISCLOSURE AFFIDAVIT

I, Lance Escher, being duly sworn, state:  
(Print Name)

1. I have read the August 26, 2011 Atomic Safety and Licensing Board Amended Protective Order issued in this proceeding and will comply in all respects with its terms and conditions regarding the Protected Information produced in connection therewith. I will protect and keep confidential all Sensitive Unclassified Non-Safeguards Information (SUNSI), including security related and/or proprietary information in accordance with the terms of this Non-Disclosure Affidavit.
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WHEREFORE, I do solemnly agree to protect and keep confidential such Protected Information as may be disclosed to me in this proceeding, in accordance with the terms of this affidavit.

[Signature]  
(Signature)

Subscribed to and sworn before me this 31<sup>st</sup> day of August, 2011.

Notary Public

My commission expires: 01-01-2013

[Signature]  
Shannon S. Staton  
Notary Public, District of Columbia  
My Commission Expires 01-01-2013

NON-DISCLOSURE AFFIDAVIT

I, Marilyn C. Kray, being duly sworn, state:  
(Print Name)

1. I have read the August 26, 2011 Atomic Safety and Licensing Board Amended Protective Order issued in this proceeding and will comply in all respects with its terms and conditions regarding the Protected Information produced in connection therewith. I will protect and keep confidential all Sensitive Unclassified Non-Safeguards Information (SUNSI), including security related and/or proprietary information in accordance with the terms of this Non-Disclosure Affidavit.
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6. I acknowledge that any violation of the terms of this affidavit or the Licensing Board's Protective Order, which incorporates the terms and conditions of this affidavit, may result in the imposition of such sanctions on me that the Licensing Board or the Commission deems to be appropriate.

WHEREFORE, I do solemnly agree to protect and keep confidential such Protected Information as may be disclosed to me in this proceeding, in accordance with the terms of this affidavit.

Marilyn C. Kray  
(Signature)

Subscribed to and sworn before me this 29<sup>th</sup> day of August, 2011.

Notary Public Vivia V. Gallimore

My commission expires: 10-6-2011

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal  
Vivia V. Gallimore, Notary Public  
Kennett Square Boro, Chester County  
My Commission Expires Oct. 6, 2011

Member, Pennsylvania Association of Notaries

### NON-DISCLOSURE AFFIDAVIT

I, DAVID J. DISTEL, being duly sworn, state:  
(Print Name)

1. I have read the August 26, 2011 Atomic Safety and Licensing Board Amended Protective Order issued in this proceeding and will comply in all respects with its terms and conditions regarding the Protected Information produced in connection therewith. I will protect and keep confidential all Sensitive Unclassified Non-Safeguards Information (SUNSI), including security related and/or proprietary information in accordance with the terms of this Non-Disclosure Affidavit.
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WHEREFORE, I do solemnly agree to protect and keep confidential such Protected Information as may be disclosed to me in this proceeding, in accordance with the terms of this affidavit.

David J. Distel  
(Signature)

Subscribed to and sworn before me this 29th day of August, 2011.

Notary Public Vivia V. Gallimore

My commission expires: 10-6-2011

COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Vivia V. Gallimore, Notary Public  
Kennett Square Boro, Chester County  
My Commission Expires Oct. 6, 2011  
Member, Pennsylvania Association of Notaries

### NON-DISCLOSURE AFFIDAVIT

I, CHRISTOPHER J. KERR, being duly sworn, state:  
(Print Name)

1. I have read the August 26, 2011 Atomic Safety and Licensing Board Amended Protective Order issued in this proceeding and will comply in all respects with its terms and conditions regarding the Protected Information produced in connection therewith. I will protect and keep confidential all Sensitive Unclassified Non-Safeguards Information (SUNSI), including security related and/or proprietary information in accordance with the terms of this Non-Disclosure Affidavit.
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WHEREFORE, I do solemnly agree to protect and keep confidential such Protected Information as may be disclosed to me in this proceeding, in accordance with the terms of this affidavit.

Christopher J. Kerr  
(Signature)

Subscribed to and sworn before me this 31<sup>st</sup> day of August, 2011.

Notary Public Vivia V. Gallimore

My commission expires: 10-6-2011

#### COMMONWEALTH OF PENNSYLVANIA

Notarial Seal  
Vivia V. Gallimore, Notary Public  
Kennett Square Boro, Chester County  
My Commission Expires Oct. 6, 2011

Member, Pennsylvania Association of Notaries



### NON-DISCLOSURE AFFIDAVIT

I, Joshua R. Trumbley, being duly sworn, state:  
(Print Name)

1. I have read the August 26, 2011 Atomic Safety and Licensing Board Amended Protective Order issued in this proceeding and will comply in all respects with its terms and conditions regarding the Protected Information produced in connection therewith. I will protect and keep confidential all Sensitive Unclassified Non-Safeguards Information (SUNSI), including security related and/or proprietary information in accordance with the terms of this Non-Disclosure Affidavit.
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(Signature)  
(Signature)

Subscribed to and sworn before me this 29<sup>th</sup> day of August, 2011.

Notary Public Vivia V. Gallimore

My commission expires: 10-6-2011

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Vivia V. Gallimore, Notary Public  
Kennett Square Boro, Chester County  
My Commission Expires Oct. 6, 2011

Member, Pennsylvania Association of Notaries

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**BEFORE THE ATOMIC SAFETY AND LICENSING BOARD**

_____	)	
In the Matter of	)	
	)	Docket No. 52-042-ESP
EXELON NUCLEAR TEXAS HOLDINGS, LLC	)	
	)	
(Early Site Permit for Victoria County Station Site)	)	September 1, 2011
_____	)	

**CERTIFICATE OF SERVICE**

I certify that on September 1, 2011, a copy of the foregoing letter and non-disclosure affidavits were served by the Electronic Information Exchange on the following recipients:

Michael M. Gibson, Chair  
Administrative Judge  
Atomic Safety and Licensing Board Panel  
Mail Stop T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
E-mail: [michael.gibson@nrc.gov](mailto:michael.gibson@nrc.gov)

Dr. Mark O. Barnett  
Administrative Judge  
Atomic Safety and Licensing Board Panel  
Mail Stop T-3 F23  
U.S. Nuclear Regulatory Commission  
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E-mail: [mark.barnett@nrc.gov](mailto:mark.barnett@nrc.gov)

Dr. Anthony J. Baratta  
Administrative Judge  
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U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
E-mail: [anthony.baratta@nrc.gov](mailto:anthony.baratta@nrc.gov)

Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Rulemakings and Adjudications Staff  
Washington, DC 20555-0001  
E-mail: [hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov)

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Laura Goldin, Esq.  
Kevin C. Roach, Esq.  
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U.S. Nuclear Regulatory Commission  
Mail Stop O-15D21  
Washington, DC 20555-0001  
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[laura.goldin@nrc.gov](mailto:laura.goldin@nrc.gov);  
[kevin.roach@nrc.gov](mailto:kevin.roach@nrc.gov)

Office of Commission Appellate  
Adjudication  
U.S. Nuclear Regulatory Commission  
Mail Stop: O-16C1  
Washington, DC 20555-0001  
E-mail: [ocaamail@nrc.gov](mailto:ocaamail@nrc.gov)

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Houston, TX 77004  
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[charles@blackburncarter.com](mailto:charles@blackburncarter.com);  
[maryconner@blackburncarter.com](mailto:maryconner@blackburncarter.com)

*Signed (electronically) by Jonathan M. Rund*  
Jonathan M. Rund  
Morgan, Lewis & Bockius LLP  
1111 Pennsylvania Avenue, NW  
Washington, DC 20004  
Phone: 202-739-5061  
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*Counsel for Exelon Nuclear Texas Holdings, LLC*