

July 7, 2005

Ms. Nancy B. Parr  
Licensing Project Manager  
Westinghouse Electric Company , LLC  
Commercial Nuclear Fuel Division  
Drawer R  
Columbia, SC 29250

SUBJECT: CRITICALITY VALIDATION CALC NOTE PROCEDURE PUBLIC DISCLOSURE  
DETERMINATION (TAC NO. L31869)

Dear Ms. Parr:

This is in response to your affidavit signed by Mark Fecteau, dated July 1, 2005, requesting that portions of Westinghouse draft procedure RA-312, Nuclear Criticality Safety (NCS) Calc Note Generation, Format, and Content Requirements, submitted by letter signed by Ralph Winiarski and dated July 1, 2005, be withheld from public disclosure pursuant to 10 CFR 2.390.

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

1. The information contained in the subject document is confidential commercial information under 2.390(a)(4).
2. The information provided is routinely withheld from public disclosure.
3. The public disclosure of the information contained in the document would harm the competitive position of Westinghouse since this report contains substantial sensitive information related to the company's nuclear criticality safety program.

We have reviewed your affidavit 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.

Therefore, the version of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.390(a)(4) and Section 103(b) of the Atomic Energy Act of 1954, as amended. The redacted version of the procedure, enclosed with your affidavit, will be made publicly available.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. 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 Nuclear Regulatory Commission (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, please contact Mary Adams of my staff at (301) 415-7249 or by e-mail at [mta@nrc.gov](mailto:mta@nrc.gov). Please reference the above TAC No. in future correspondence related to this review.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter; your July 1, 2005, letter signed by Ralph Winiarski; your July 1, 2005, affidavit; and the redacted version of the procedure will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room).

Sincerely,

**/RA/**

Gary Janosko, Chief  
Fuel Cycle Facilities Branch  
Division of Fuel Cycle Safety  
and Safeguards  
Office of Nuclear Material Safety  
and Safeguards

Docket 70-1151  
License SNM-1107

N. Parr

-2-  
July 7, 2005

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Sincerely,

**/RA/**

Gary Janosko, Chief  
Fuel Cycle Facilities Branch  
Division of Fuel Cycle Safety  
and Safeguards  
Office of Nuclear Material Safety  
and Safeguards

Docket 70-1151  
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N. Parr

-2-  
July 7, 2005

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