

February 1, 2006

Mr. J. A. Gresham, Manager
Regulatory Compliance and Plant Licensing
Westinghouse Electric Company LLC
P.O. Box 355
Pittsburgh, PA 15230-0355

SUBJECT: NRC APPROVAL OF WESTINGHOUSE ELECTRIC COMPANY, LLC
REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE

Dear Mr. Gresham:

On March 24, 2005, staff from the U.S. Nuclear Regulatory Commission (NRC) met with representatives from Westinghouse Electric Company, LLC to provide an overview of NRC's data needs related to spent fuel cladding performance and to discuss Westinghouse's research activities in this area. By letter dated March 14, 2005, Westinghouse requested that portions of the meeting be closed to the public to discuss proprietary information.

The letter included an affidavit executed by you on the same date, which requested that certain information presented during this meeting be withheld from public disclosure pursuant to 10 CFR 2.390. Specifically, Westinghouse requested to withhold information discussing their fuel rod designs and materials, including its testing and qualification program. Westinghouse presented this information in slides and a handout during the closed portion of the meeting.

The affidavit states that the submitted information should be withheld from public disclosure for the following reason:

1. The information sought to be withheld is owned and has been held in confidence by the owner.
2. The information is of a type customarily held in confidence by the owner and not disclosed to the public.
3. The information was transmitted and received by the Commission in confidence.
4. Public disclosure of the information is likely to cause substantial harm to the competitive position of the owner.

We have reviewed your application 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 and should be withheld from public disclosure. Therefore, the version 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.

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If the basis for withholding this information from public disclosure should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You should also 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 withheld 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) 415-8500.

Sincerely,

/RA/

Jose R. Cuadrado, Project Engineer
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

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Jose R. Cuadrado, Project Engineer
Spent Fuel Project Office
Office of Nuclear Material Safety
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