

January 24, 2007

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

SUBJECT: WESTINGHOUSE ELECTRIC COMPANY- REQUEST FOR WITHHOLDING
INFORMATION FROM PUBLIC DISCLOSURE REGARDING WATTS BAR
NUCLEAR PLANT, UNIT 1(TAC NO. MD3902)

Dear Mr. Gresham:

By letter dated November 2, 2006, Westinghouse Electric Company submitted an affidavit dated November 3, 2006, executed by J. A. Gresham, in which you requested that the information contained in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

SER Compliance with WCAP-16260-P-A, "The Spatially Corrected Inverse
Count Rate (SCICR) Method for Subcritical Reactivity Measurement"
(Proprietary)

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 Westinghouse.
- (ii) The information is of a type customarily held in confidence by Westinghouse and not customarily disclosed to the public.
- (iii) The information is being transmitted to the Nuclear Regulatory Commission (NRC or Commission) in confidence and, under the provisions of 10 CFR Section 2.390, 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) Public disclosure of this proprietary information is likely to cause substantial harm to the competitive position of Westinghouse because it would enhance the ability of competitors to provide similar methodology and licensing defense services for commercial power reactors without commensurate expenses. Also, public disclosure of the information would enable others to use the information to meet NRC requirements for licensing documentation without purchasing the right to use the information.

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 SER Compliance with WCAP-16260-P-A, "The Spatially Corrected Inverse Count Rate (SCICR) Method for Subcritical Reactivity Measurement," 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) 415-3974.

Sincerely,

/RA/

Brendan T. Moroney, Project Manager
Plant Licensing Branch II-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-390

cc: See next page

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DATE	1/24/07	1/23/ 07	1/24/ 07	1/24/07	1/24/07

OFFICIAL RECORD COPY

Mr. J. A. Gresham
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WATTS BAR NUCLEAR PLANT

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