

December 12, 2007

Mr. Gerard F. Couture, Manager  
Licensing and Regulatory Programs  
Westinghouse Electric Company, LLC  
Commercial Nuclear Fuel Division  
Drawer R  
Columbia, SC 29250

SUBJECT: REQUEST FOR NUCLEAR CRITICALITY SAFETY CALCULATIONS PUBLIC DISCLOSURE DETERMINATION (TAC L32650)

Dear Mr. Couture:

This letter is in response to your submittal of an affidavit, signed by David J. Precht for Cary D. Alstadt, dated November 9, 2007, requesting that the nuclear criticality safety calculations, related to your amendment request for Materials License SNM-1107, submitted by letter dated November 9, 2007, be withheld from public disclosure pursuant to 10 CFR 2.390.

The redacted copies of the documents, enclosed with your affidavit, have been added to the Nuclear Regulatory Commission's (NRC's) Agencywide Documents Access and Management System (ADAMS).

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

1. The information contained in the subject documents is confidential commercial information, pursuant to 10 CFR 2.390(a)(4).
2. The information provided is routinely withheld from public disclosure, was submitted to the Commission in confidence, and is not available through public sources.
3. The public disclosure of the information contained in the documents would harm the competitive position of Westinghouse Electric Company, LLC, since the documents contain substantial sensitive information relating to the company's nuclear criticality safety program.

We have reviewed your affidavit and the submitted information 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 that is 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. The redacted version of the information will be made publicly available.

Withholding this information 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 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 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 Breeda Reilly of my staff at (301) 492-3110, or via e-mail to [bmr@nrc.gov](mailto:bmr@nrc.gov). Please reference the above TAC number in future correspondence relating to this license amendment request.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter; your November 9, 2007, letter; the November 9, 2007, affidavit signed by David J. Precht for Cary D. Alstadt; and the redacted version of the information will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of 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/

Peter J. Habighorst, Chief  
Fuel Manufacturing Branch  
Division of Fuel Cycle Safety  
and Safeguards  
Office of Nuclear Material Safety  
and Safeguards

Docket No.: 70-1151  
License No.: SNM-1107

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Sincerely,

/RA/

Peter J. Habighorst, Chief  
 Fuel Manufacturing Branch  
 Division of Fuel Cycle Safety  
 and Safeguards  
 Office of Nuclear Material Safety  
 and Safeguards

Docket No.: 70-1151  
 License No.: SNM-1107

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