

February 25, 2008

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 RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION,
PUBLIC DISCLOSURE DETERMINATION (TAC L32650)

Dear Mr. Couture:

This letter is in response to the affidavit, signed by Cary D. Alstadt, dated January 8, 2008, requesting that the attachments to the response, to the Nuclear Regulatory Commission's (NRC's) Request for Additional Information (RAI), namely, "MCNP 5 Benchmark Calculation for Low Enriched Heterogeneous Systems" and "Extension of the Validation Area of Applicability to Concrete Reflection," be withheld from public disclosure, pursuant to 10 CFR 2.390.

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 related 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 attachments 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 response to the RAI, dated January 8, 2008, will be made publicly available, without the attachments.

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.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, a copy of your January 8, 2008 response to RAI (without the attachments), and a copy of the January 8, 2008, affidavit, signed by Cary D. Alstadt, 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 through the NRC Web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room).

Sincerely,

/RA, by Kevin Ramsey for/

Peter J. Habighorst, Chief
Fuel Manufacturing Branch
Fuel Facility Licensing Directorate
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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Docket No.: 70-1151
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