

August 28, 2008

Mr. James A. Gresham, Manager  
Regulatory Compliance and Plant Licensing  
Westinghouse Electric Company, LLC  
Nuclear Services  
P.O. BOX 355  
Pittsburgh, PA 15230-0355

SUBJECT: REQUEST FOR QUARTERLY STATUS REPORT OF NUCLEAR CRITICALITY  
SAFETY IMPROVEMENT PROJECT PUBLIC DISCLOSURE DETERMINATION  
(AW-08-2455)

Dear Mr. Gresham:

This letter is in response to your affidavit, dated July 17, 2008, requesting that the quarterly status report LTR-RAC-08-44 dated July 7, 2008, of the Nuclear Criticality Safety Improvement Project (NCSIP) deliverables be withheld from public disclosure pursuant to Section 2.390 of Title 10 of the *Code of Federal Regulations* (10 CFR).

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

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 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 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. 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 U. S. Nuclear Regulatory Commission (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 Nilda Rivera of my staff at (301) 492-3116, or via e-mail to, [Nilda.Rivera-Feliciano@nrc.gov](mailto:Nilda.Rivera-Feliciano@nrc.gov).

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter; your July 7, 2008, letter LTR-RAC-08-44; the July 17, 2008, affidavit AW-08-2455; 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 Agencywide Documents Access and Management 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/*

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

cc: Gerry Couture, Manager  
Licensing and Regulatory Programs  
Westinghouse Electric Company, LLC  
Nuclear Fuel  
P.O. Drawer R  
Columbia, SC 29250

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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

cc: Gerry Couture, Manager  
 Licensing and Regulatory Programs  
 Westinghouse Electric Company, LLC  
 Nuclear Fuel  
 P.O. Drawer R  
 Columbia, SC 29250

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<b>OFC</b>	FMB	FMB	FMB
<b>NAME</b>	NRivera	VWilliams	PHabighorst
<b>DATE</b>	08/27/08	08/28/08	08/28/08

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