

September 2, 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 QUARTERLY STATUS REPORT OF NUCLEAR CRITICALITY SAFETY IMPROVEMENT PROJECT PUBLIC DISCLOSURE DETERMINATION

Dear Mr. Couture:

This letter is in response to your affidavit, signed by Cary D. Alstadt, dated March 31, 2008, requesting that the quarterly status report of the Nuclear Criticality Safety Improvement Project deliverables be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 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 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 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.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter; your March 31, 2008, letter; the March 31, 2008, affidavit signed by 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/

Nilda Rivera, Project Manager
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/

Nilda Rivera, Project Manager
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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