

May 29, 2009

Mr. E. Kurt Hackmann
Director, Hematite Decommissioning Project
Westinghouse Electric Company
3300 State Road P
Festus, MO 63028

SUBJECT: APPLICATION FOR WITHHOLDING PROPRIETARY INFORMATION FROM
PUBLIC DISCLOSURE

Dear Mr. Hackmann:

By your letter dated April 17, 2009, you responded to the Nuclear Regulatory Commission's (NRC's) March 23, 2009 letter which denied Westinghouse's request for the withholding from public disclosure of proprietary information. The proprietary information was included as Attachment 1 in Westinghouse Hematite's February 13, 2009 correspondence identified as AW-09-2532/HEM-09-10.

Your April 17 letter indicated that you had eliminated the proprietary information previously reported in Attachment 1 and had retained the substantive information related to the probable cause of the event. This substantive information was included as Enclosure 1 in your April letter. The letter also stated that you were withdrawing the February 13 document in its entirety and you requested that all copies of the letter be returned to Westinghouse.

As stated in our March 23, 2009, letter to you, NRC policy is that information submitted to the NRC becomes part of the public domain and is available to the public unless the entity submitting the document makes a successful argument that the document should be withheld or the information contained in the document contains safeguards, secret or classified information. As also noted in our March letter, your arguments for withholding the document were not successful. Therefore, while you may withdraw the letter if you like, it will remain in the public domain as dictated by our regulations.

We did note that our March letter appeared to have referenced Westinghouse Reported Event Follow Up Report (HEM-08-108) instead of HEM-09-10 or HEM-09-10-P. Therefore, to ensure that you have adequate opportunity to present information to support your request to withhold Attachment 1 of your February 13 letter, we will withhold HEM-09-10 and HEM-09-10-P for 30 days from the date of this letter at which time the documents will be placed in the NRC's Public Document Room.

If you have any further questions, please contact me at (301) 415-5928 or via email at john.hayes@nrc.gov.

Sincerely,

/RA/

John J. Hayes, Senior Project Manager
Materials Decommissioning Branch
Decommissioning and Uranium Recovery
Licensing Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

Docket No. 70-36
License No. SNM-33

cc: See next page

If you have any further questions, please contact John Hayes, of my staff, at (301) 415-5928 or via email at john.hayes@nrc.gov.

Sincerely,

/RA/

John J. Hayes, Senior Project Manager
Materials Decommissioning Branch
Decommissioning and Uranium Recovery
Licensing Directorate
Division of Waste Management
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