



Westinghouse Electric Company LLC
1000 Westinghouse Drive
Cranberry Township, Pennsylvania 16066
USA

February 15, 2011

Federal Express

U.S. Nuclear Regulatory Commission
ATTN: Roman Przygodzki
Mail Stop T-8F5
11545 Rockville Pike
Rockville, MD 20852

Reference:

1. US Nuclear Regulatory Commission letter to Westinghouse Electric Company LLC dated August 2, 2010 – Approval of the Updated Decommissioning Funding Plan and Cost for Westinghouse Columbia Fuel Fabrication Facility (TAC NOS. L3284 and L32850)
2. US Nuclear Regulatory Commission letter to Westinghouse Electric Company LLC dated October 1, 2010 – Consent to Reduce Dollar Amount of Letter of Credit for Westinghouse Electric Company, Special Nuclear Material License SNM-1107

Subject: Submittal of Original and Copies of Amended Standby Trust Amendment and Certificate of Financial Assurance for SNM-1107.

Dear Mr. Przygodzki:

As the holder of several NRC materials licenses, Westinghouse Electric Company LLC (Westinghouse) maintains the appropriate amounts of decommissioning financial assurance as required by 10 CFR 30.35, 40.36 and 70.25. Updated decommissioning financial assurance amounts for the Columbia Fuel Fabrication Facility (CFFF), SNM-1107, were submitted by Westinghouse and were approved by the Nuclear Regulatory Commission (NRC), Reference 1. Subsequently, Reference 2 approved the reduction in the relevant Irrevocable Letter of Credit (LOC) and requested an updated Certification of Financial Assurance (CFA) and updated Standby Trust Agreement Schedules. As a result, Westinghouse has amended the LOC, [REDACTED] to reflect the amended decommissioning cost estimate.

The information provided includes propriety Westinghouse financial information. Therefore, in conformance with the requirements of 10 CFR Section 2.390 we are providing along with the propriety version of the documents which we request be withheld pursuant to Section 2.390, a redacted non-propriety version. As required by Section 2.390, we also have included a properly executed Affidavit regarding the propriety nature of the information for which withholding pursuant to Section 2.390 is requested.

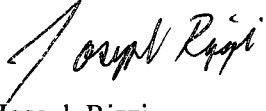
Correspondence with respect to the propriety aspects of the application for withholding or the Westinghouse Affidavit should reference AW-11-3082 and should be addressed to J.A. Gresham, Manager, Regulatory Compliance and Plant Licensing, Westinghouse Electric Company LLC, Suite 428, 1000 Westinghouse Drive, Cranberry Township, Pennsylvania, 16066.

Attached are the original propriety versions of the original Amendment No. 1 to Standby Trust Agreement (STA) and the original Certificate of Financial Assurance (CFA). Also attached are non-propriety versions of these documents. Please have the STA signed on behalf of the NRC and return a signed copy to me as an indication of NRC's consent to this Amendment for the bank's records and ours. Additionally, please return the prior amendment to the STA you have in your possession.

NM5501

If you have any questions concerning this submittal, please contact me at 412-374-2603 or rizzijn@westinghouse.com.

Sincerely,

A handwritten signature in black ink that reads "Joseph Rizzi". The signature is written in a cursive style with a large initial "J".

Joseph Rizzi
Environmental, Health & Safety

Attachments (4)

Cc: Michele Gutman, Westinghouse Legal
B.G. Holmes, Westinghouse EH&S



Westinghouse Electric Company
Nuclear Services
1000 Westinghouse Drive
Cranberry Township, Pennsylvania 16066
USA

U.S. Nuclear Regulatory Commission
Document Control Desk
11555 Rockville Pike
Rockville, MD 20852

Direct tel: (412) 374-4643
Direct fax: (724) 720-0754
e-mail: greshaja@westinghouse.com

LTR-NRC-11-4

February 9, 2011

Subject: Amended Standby Trust Agreement and Certificate of Financial Assurance for SNM-1107
(Proprietary/Non-Proprietary)

Enclosed are copies of the proprietary and non-proprietary versions of Amended Standby Trust Agreement and Certificate of Financial Assurance for SNM-1107.

Also enclosed is:

1. One (1) copy of the Application for Withholding Proprietary Information from Public Disclosure, AW-11-3082 (Non-Proprietary), with Proprietary Information Notice and Copyright Notice.
2. One (1) copy of Affidavit (Non-Proprietary).

This submittal contains proprietary information of Westinghouse Electric Company LLC. In conformance with the requirements of 10 CFR Section 2.390, as amended, of the Commission's regulations, we are enclosing with this submittal an Application for Withholding Proprietary Information from Public Disclosure and an affidavit. The affidavit sets forth the basis on which the information identified as proprietary may be withheld from public disclosure by the Commission.

Correspondence with respect to the proprietary aspects of the application for withholding or the Westinghouse affidavit should reference AW-11-3082 and should be addressed to J. A. Gresham, Manager, Regulatory Compliance, Westinghouse Electric Company LLC, Suite 428, 1000 Westinghouse Drive, Cranberry Township, Pennsylvania 16066.

Very truly yours,

A handwritten signature in black ink, appearing to read 'J. A. Gresham'.

J. A. Gresham, Manager
Regulatory Compliance

Enclosures

cc: Roman Przygodzki

bcc: J. A. Gresham
C. B. Brinkman
C. L. Olesky



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e-mail: greshaja@westinghouse.com

AW-11-3082

February 9, 2011

APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE

Subject: Amended Standby Trust Agreement and Certificate of Financial Assurance for SNM-1107
(Proprietary)

Reference: Letter from J. A. Gresham to Document Control Desk, LTR-NRC-11-4, dated February 9,
2011

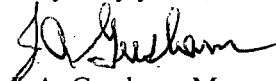
The Application for Withholding Proprietary Information from Public Disclosure is submitted by Westinghouse Electric Company LLC (Westinghouse), pursuant to the provisions of paragraph (b)(1) of Section 2.390 of the Commission's regulations. It contains commercial strategic information proprietary to Westinghouse and customarily held in confidence.

The proprietary material for which withholding is being requested is identified in the proprietary version of the subject documents. In conformance with 10 CFR Section 2.390, Affidavit AW-11-3082 accompanies this Application for Withholding Proprietary Information from Public Disclosure, setting forth the basis on which the identified proprietary information may be withheld from public disclosure.

Accordingly, it is respectfully requested that the subject information which is proprietary to Westinghouse be withheld from public disclosure in accordance with 10 CFR Section 2.390 of the Commission's regulations.

Correspondence with respect to the proprietary aspects of the application for withholding or the accompanying affidavit should reference AW-11-3082 and should be addressed to J. A. Gresham, Manager, Regulatory Compliance, Westinghouse Electric Company LLC, Suite 428, 1000 Westinghouse Drive, Cranberry Township, Pennsylvania 16066.

Very truly yours,


J. A. Gresham, Manager
Regulatory Compliance

Enclosures

cc: Roman Przygodzki

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

SS

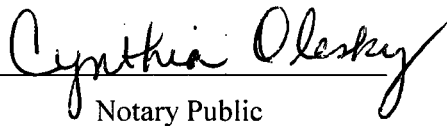
COUNTY OF BUTLER:

Before me, the undersigned authority, personally appeared J. A. Gresham, who, being by me duly sworn according to law, deposes and says that he is authorized to execute this Affidavit on behalf of Westinghouse Electric Company LLC (Westinghouse), and that the averments of fact set forth in this Affidavit are true and correct to the best of his knowledge, information, and belief:



J. A. Gresham, Manager
Regulatory Compliance

Sworn to and subscribed before me
this 9th day of February 2011



Notary Public

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Cynthia Olesky, Notary Public
Manor Boro, Westmoreland County
My Commission Expires July 16, 2014

Member, Pennsylvania Association of Notaries

- (1) I am Manager, Regulatory Compliance, in Nuclear Services, Westinghouse Electric Company LLC (Westinghouse), and as such, I have been specifically delegated the function of reviewing the proprietary information sought to be withheld from public disclosure and am authorized to apply for its withholding on behalf of Westinghouse.
- (2) I am making this Affidavit in conformance with the provisions of 10 CFR Section 2.390 of the Commission's regulations and in conjunction with the Westinghouse Application for Withholding Proprietary Information from Public Disclosure accompanying this Affidavit.
- (3) I have personal knowledge of the criteria and procedures utilized by Westinghouse in designating information as a trade secret, privileged or as confidential commercial or financial information.
- (4) Pursuant to the provisions of paragraph (b)(4) of Section 2.390 of the Commission's regulations, the following is furnished for consideration by the Commission in determining whether the information sought to be withheld from public disclosure should be withheld.
 - (i) The information sought to be withheld from public disclosure is owned and has been held in confidence by Westinghouse.
 - (ii) The information is of a type customarily held in confidence by Westinghouse and not customarily disclosed to the public. Westinghouse has a rational basis for determining the types of information customarily held in confidence by it and, in that connection, utilizes a system to determine when and whether to hold certain types of information in confidence. The application of that system and the substance of that system constitutes Westinghouse policy and provides the rational basis required.

Under that system, information is held in confidence if it falls in one or more of several types, the release of which might result in the loss of an existing or potential competitive advantage, as follows:

- (a) The information reveals the distinguishing aspects of a process (or component, structure, tool, method, etc.) where prevention of its use by any of Westinghouse's competitors without license from Westinghouse constitutes a competitive economic advantage over other companies.

- (b) It consists of supporting data, including test data, relative to a process (or component, structure, tool, method, etc.), the application of which data secures a competitive economic advantage, e.g., by optimization or improved marketability.
- (c) Its use by a competitor would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing a similar product.
- (d) It reveals cost or price information, production capacities, budget levels, or commercial strategies of Westinghouse, its customers or suppliers.
- (e) It reveals aspects of past, present, or future Westinghouse or customer funded development plans and programs of potential commercial value to Westinghouse.
- (f) It contains patentable ideas, for which patent protection may be desirable.
- (g) The information is withheld on the basis that it is "Security-Related Information".

There are sound policy reasons behind the Westinghouse system which include the following:

- (a) The use of such information by Westinghouse gives Westinghouse a competitive advantage over its competitors. It is, therefore, withheld from disclosure to protect the Westinghouse competitive position.
- (b) It is information that is marketable in many ways. The extent to which such information is available to competitors diminishes the Westinghouse ability to sell products and services involving the use of the information.
- (c) Use by our competitor would put Westinghouse at a competitive disadvantage by reducing his expenditure of resources at our expense.
- (d) Each component of proprietary information pertinent to a particular competitive advantage is potentially as valuable as the total competitive advantage. If

competitors acquire components of proprietary information, any one component may be the key to the entire puzzle, thereby depriving Westinghouse of a competitive advantage.

- (e) Unrestricted disclosure would jeopardize the position of prominence of Westinghouse in the world market, and thereby give a market advantage to the competition of those countries.
- (f) The Westinghouse capacity to invest corporate assets in research and development depends upon the success in obtaining and maintaining a competitive advantage.
- (iii) The information is being transmitted to the Commission in confidence and, under the provisions of 10 CFR Section 2.390, it is to be received in confidence by the Commission.
- (iv) The information sought to be protected is not available in public sources or available information has not been previously employed in the same original manner or method to the best of our knowledge and belief.
- (v) The proprietary information sought to be withheld in this submittal is that which is appropriately marked in the documents submitted in support of the Amended Standby Trust Agreement and Certificate of Financial Assurance for SNM-1107 (Proprietary), for submittal to the Commission, being transmitted by Westinghouse letter, LTR-NRC-11-4, and Application for Withholding Proprietary Information from Public Disclosure, to the Document Control Desk. The proprietary information as submitted by Westinghouse is that associated with amending the existing Standby Trust Agreement and Certificate of Financial Assurance to reflect the current cost of decommissioning the Columbia Fuel Fabrication Facility and may be used only for that purpose.

Public disclosure of this proprietary information is likely to cause substantial harm to the competitive position of Westinghouse.

Further the deponent sayeth not.

PROPRIETARY INFORMATION NOTICE

Transmitted herewith are proprietary and/or non-proprietary versions of documents furnished to the NRC in connection with the financial assurance for the Westinghouse Fuel Fabrication Facility, SNM-1107.

In order to conform to the requirements of 10 CFR 2.390 of the Commission's regulations concerning the protection of proprietary information so submitted to the NRC, the information which is proprietary in the proprietary versions is contained within brackets, and where the proprietary information has been deleted in the non-proprietary versions, only the brackets remain (the information that was contained within the brackets in the proprietary versions having been deleted). The justification for claiming the information so designated as proprietary is indicated in both versions by means of lower case letters (a) through (f) located as a superscript immediately following the brackets enclosing each item of information being identified as proprietary or in the margin opposite such information. These lower case letters refer to the types of information Westinghouse customarily holds in confidence identified in Sections (4)(ii)(a) through (4)(ii)(f) of the affidavit accompanying this transmittal pursuant to 10 CFR 2.390(b)(1).

COPYRIGHT NOTICE

The documents transmitted herewith each bear a Westinghouse copyright notice. The NRC is permitted to make the number of copies of the information contained in these documents which are necessary for its internal use approvals as well as the issuance, denial, amendment, transfer, renewal, modification, suspension, revocation, or violation of a license, permit, order, or regulation subject to the requirements of 10 CFR 2.390 regarding restrictions on public disclosure to the extent such information has been identified as proprietary by Westinghouse, copyright protection notwithstanding. With respect to the non-proprietary versions of these documents, the NRC is permitted to make the number of copies beyond those necessary for its internal use which are necessary in order to have one copy available for public viewing in the appropriate docket files in the public document room in Washington, DC and in local public document rooms as may be required by NRC regulations if the number of copies submitted is insufficient for this purpose. Copies made by the NRC must include the copyright notice in all instances and the proprietary notice if the original was identified as proprietary.