



Westinghouse

March 30, 2012

Westinghouse Electric Company
Legal & Contracts
1000 Westinghouse Drive
Cranberry Township, PA
16066
U.S.A.

Non-Proprietary

VIA Certified mail Return Receipt Requested

Document Control Desk
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, Maryland 20852-2738
Attn: Christopher Ryder

RE: License Number SNM-33, Docket No. 070-36
License Number SNM-1107, Docket No. 70-1151
Westinghouse Electric Company LLC Decommissioning Financial
Assurance Parent Guarantee - Chief Executive Officer Letter

Gentlemen:

Enclosed with a letter dated February 17, 2012, Westinghouse Electric Company LLC submitted information in support of its use of a Parent Guarantee to fulfill its decommissioning financial assurance obligations. Enclosed with this letter is additional information in support of the use of the Parent Guarantee, specifically, the Chief Executive Officer (CEO) letter. The CEO letter includes proprietary financial information; therefore, in conformance with the requirements of 10 CFR Section 2.390 we are providing, along with the Proprietary version of the documents which we request be withheld pursuant to Section 2.390, a redacted non-proprietary version, as well as an Application for Withholding and an Affidavit.

If you have any questions regarding this submittal, please contact me.

Very truly yours,

Michele M. Gutman
Deputy General Counsel
412-374-5570
724-940-8508 (fax)
gutmanmm@westinghouse.com

Enclosure

cc: Mr. Dai Kuramochi (w/encl)
Mr. Ariel Kuperminc (w/encl)
Mr. Joseph Rizzi (w/encl)
Mr. Roman Przygodzki (w/encl)

FSME 20



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

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

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

LTR-NRC-12-33

March 29, 2012

Subject: Westinghouse Electric Company LLC Chief Executive Officer Letter in Support of the Parent Guarantee for Financial Assurance (Proprietary/Non-Proprietary) for Review and Approval

Enclosed are copies of the Proprietary and Non-Proprietary versions of Westinghouse Electric Company LLC Chief Executive Officer Letter in Support of the Parent Guarantee for Financial Assurance.

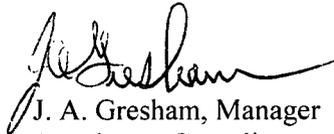
Also enclosed is:

1. One (1) copy of the Application for Withholding Proprietary Information from Public Disclosure, AW-12-3452 (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-12-3452, 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: Christopher P. Ryder (EBB E2C40M)



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

U.S. Nuclear Regulatory Commission
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Direct fax: (724) 720-0754
e-mail: greshaja@westinghouse.com

AW-12-3452

March 29, 2012

APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE

Subject: Westinghouse Electric Company LLC Chief Executive Officer Letter in Support of the Parent Guarantee for Financial Assurance (Proprietary)

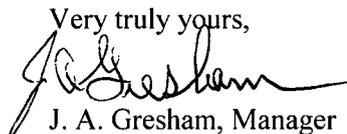
References: 1. Letter from J. A. Gresham to Roman Przygodzki, LTR-NRC-12-33, dated March 29, 2012
2. Letter from Aris S. Candris to Roman Przygodzki, dated March 29, 2012

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. The Chief Executive Officer letter contains commercial strategic information proprietary to Westinghouse and customarily held in confidence. Therefore, we are providing a proprietary and a non-proprietary version of the document.

The proprietary material for which withholding is being requested is identified in the proprietary version of the Chief Executive Officer letter. In conformance with 10 CFR Section 2.390, Affidavit AW-12-3452 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 this application for withholding or the accompanying affidavit should reference AW-12-3452 and should be addressed to J. A. Gresham, Manager, Regulatory Compliance, Westinghouse Electric Company, Suite 428, 1000 Westinghouse Drive, Cranberry Township, Pennsylvania 16066.

Very truly yours,

J. A. Gresham, Manager
Regulatory Compliance

Enclosures

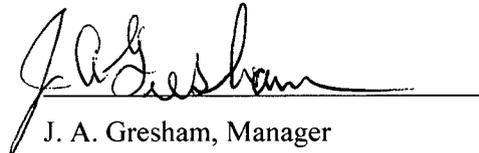
AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

ss

COUNTY OF BUTLER:

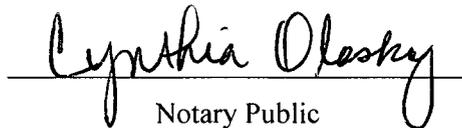
Before me, the undersigned authority, personally appeared J. A. Gresham, who, being by me duly sworn according to law, deposes and says that he is authorized to execute this Affidavit on behalf of Westinghouse Electric Company LLC (Westinghouse), and that the averments of fact set forth in this Affidavit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



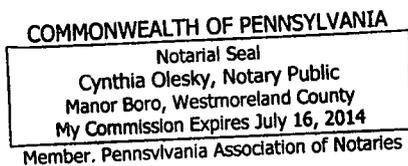
J. A. Gresham, Manager

Regulatory Compliance

Sworn to and subscribed before me
this 29th day of March 2012



Notary Public



- (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 in connection with nuclear power plant licensing and rule making proceedings, 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 and its parent Toshiba Corporation.
 - (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 financial, 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.

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) Use by our competitor would put Westinghouse at a competitive disadvantage by reducing his expenditure of resources at our expense.
- (c) 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.

- (d) 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.
- (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 contained in "Westinghouse Electric Company LLC Chief Executive Officer Letter in Support of the Parent Guarantee for Financial Assurance" (Proprietary), to the Commission, being transmitted by Westinghouse letter, LTR-NRC-12-33, and Application for Withholding Proprietary Information from Public Disclosure, to Roman Przygodzki, U.S. NRC. The proprietary information as submitted by Westinghouse is that associated with the financial condition of Westinghouse and may be used only for the purpose of evaluating the use by Westinghouse of the Parent Guarantee for financial assurance for decommissioning obligations.

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 submission of a Parent Guarantee for decommissioning and related documentation.

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 are subject to Westinghouse copyright. The NRC is permitted to make the number of copies of the information contained in these documents which are necessary for its internal use in connection with review of the Parent Guarantee submissions 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.