



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

January 27, 2017

Mr. James A. Gresham, Manager
Regulatory Compliance
Westinghouse Electric Company
1000 Westinghouse Drive
Building 3, Suite 310
Cranberry Township, PA 16066.

SUBJECT: APPROVAL OF A REQUEST (AW-16-4522) TO WITHHOLD THE STANDBY TRUST AGREEMENT AND THE AMENDED LETTER OF CREDIT

By letter dated January 17, 2017, the Westinghouse Electric Company, LLC, (Westinghouse) submitted a standby trust agreement and an amended letter of credit. In accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390, the submittal included an application dated January 17, 2017, to request that both subject documents be withheld from public disclosure because the information is proprietary. An affidavit (AW-16-4532) stated that the information should be considered exempt from mandatory public disclosure for the following reasons:

- The information has been held in confidence by Westinghouse;
- The information is of a type customarily held in confidence by Westinghouse and, except for voluntarily submitted information, whether there is a rational basis;
- The information was transmitted to and received by the Commission in confidence;
- The information reveals cost or price information, production capacities, budget levels, or commercial strategies of Westinghouse, its customers or suppliers;
- Public disclosure of the information sought to be withheld is likely to cause substantial harm to the competitive position of Westinghouse, taking into account the value of the information to Westinghouse; the amount of effort or money, if any, expended by Westinghouse in developing the information; and the ease or difficulty with which the information could be properly acquired or duplicated by others.

The staff at the U.S. Nuclear Regulatory Commission (NRC) reviewed the application and submittal in accordance with the requirements of 10 CFR 2.390. On the basis of your statements, the NRC staff has determined that the submitted information sought to be withheld contains proprietary information. Therefore, the submitted information so marked will be withheld from the public disclosure pursuant to 10 CFR Paragraph 2.390(b) and Section 103(b) of the Atomic Energy Act of 1954, as amended. Withholding 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

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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.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of the NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at: <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions regarding this matter, please contact me at (301) 415-8729, or via e-mail to Christopher.Ryder@nrc.gov.

Sincerely,

/RA/

Christopher Ryder, Licensing Project Manager
Fuel Manufacturing Branch
Division of Fuel Cycle Safety, Safeguards,
and Environmental Review
Office of Nuclear Material Safety
and Safeguards

cc: R. Kuyler, Westinghouse

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If you have any questions regarding this matter, please contact me at (301) 415-8729, or via e-mail to Christopher.Ryder@nrc.gov.

Sincerely,

Christopher Ryder, Licensing Project Manager
Fuel Manufacturing Branch
Division of Fuel Cycle Safety, Safeguards,
and Environmental Review
Office of Nuclear Material Safety
and Safeguards

cc: R. Kuyler, Westinghouse

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