

July 31, 2006

Ms. Nancy B. Parr  
Licensing Project Manager  
Westinghouse Electric Company , LLC  
Commercial Nuclear Fuel Division  
Drawer R  
Columbia, SC 29250

SUBJECT: DECOMMISSIONING FUNDING PLAN COST ESTIMATE PUBLIC  
DISCLOSURE DETERMINATION (TAC L31948)

Dear Ms. Parr:

This is in response to your affidavit signed by Mark Fecteau, dated July 13, 2006, requesting that the cost estimate to terminate the U.S. Nuclear Regulatory Commission (NRC) Materials License SNM-1107, submitted by your letter, also dated July 13, 2006, be withheld from public disclosure pursuant to 10 CFR 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 document is confidential commercial information under 10 CFR 2.390(a)(4).
2. The information provided, that is routinely withheld from public disclosure, was submitted to the Commission in confidence, and is not available in public sources.
3. The public disclosure of the information contained in the submitted document would harm the competitive position of Westinghouse since the document contains substantial sensitive information related to the company's financial performance.

We have reviewed your affidavit and the material 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.

Therefore, the version of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.390(a)(4) and Section 103(b) of the Atomic Energy Act of 1954, as amended. The redacted version of the procedure, enclosed with your affidavit, will be made publicly available.

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 (e.g., 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 Mary Adams of my staff at (301) 415-7249, or via e-mail to [mta@nrc.gov](mailto:mta@nrc.gov). Please reference the above TAC number in future correspondence related to this review.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter; your July 13, 2006, letter; the July 13, 2006, affidavit signed by Cary Alstadt for Mark Fecteau; and the redacted version of the cost estimate will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's Agencywide Documents Access and Management System (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/

Gary S. Janosko, Chief  
Fuel Cycle Facilities Branch  
Division of Fuel Cycle Safety  
and Safeguards  
Office of Nuclear Material Safety  
and Safeguards

Docket No.: 70-1151  
License No.: SNM-1107

cc: A. Joseph Nardi  
Lisa A. Campagna  
Barton Z. Cowan, Esq.  
Mark D. Herlach, Esq.  
William R. Hollaway

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Sincerely,

/RA/

Gary S. Janosko, Chief  
Fuel Cycle Facilities 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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