

**ATTACHMENT 3**

**PRAIRIE ISLAND NUCLEAR GENERATING PLANT**

**Letter L-PI-04-014, Supplement to  
License Amendment Request dated March 25, 2003**

**Prairie Island Units 1 and 2 Safety Analysis Transition Program Licensing Report  
dated January 2004 (Non-Proprietary)**



FEB 11 2004

L-PI-04-014  
10 CFR 50.90

U S Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, DC 20555

PRAIRIE ISLAND NUCLEAR GENERATING PLANT  
DOCKETS 50-282 AND 50-306  
LICENSE Nos. DPR-42 AND DPR-60

SUPPLEMENT TO LICENSE AMENDMENT REQUEST (LAR) DATED  
MARCH 25, 2003, SAFETY ANALYSES TRANSITION  
(TAC NOs. MB8128 and MB8129)

By letter dated March 25, 2003, the Nuclear Management Company, LLC (NMC) submitted an LAR titled, "Safety Analyses Transition," which proposes Technical Specification (TS) changes associated with transition to Westinghouse performance of safety analyses for the Prairie Island Nuclear Generating Plant (PINGP).

By letter dated January 14, 2004, NMC provided supplemental information in support of the subject LAR which included an attachment titled, "Safety Analysis Transition Program Licensing Report for the Prairie Island Nuclear Generating Plant," (Licensing Report) dated December 2003. With respect to the Licensing Report the NMC letter dated January 14, 2004 stated:

The enclosed report contains information which is proprietary to Westinghouse Electric Company LLC. Accordingly, Westinghouse requests that this information be withheld from public disclosure. In order not to delay this submittal of information to the Commission in connection with the review of the Licensing Report, Westinghouse will comply with the requirements of 10 CFR 2.790 to provide proprietary and non-proprietary versions together with an affidavit as soon as the proprietary information contained in the submittal have been specifically identified and the proprietary and non-proprietary versions have been prepared. NMC will submit the total required number of copies of the proprietary

**Attachment 2 Contains Proprietary Information**

1717 Wakonade Drive East • Welch, Minnesota 55089-9642  
Telephone: 651.388.1121

*APD1  
1/5 Prop  
1/5 Non Prop  
Extra Encs  
To: PM*

and non-proprietary versions of the information and the required affidavit at that time. In the meantime, NMC has provided sufficient copies for the NRC to initiate review. Representatives of the NRC office of the General Counsel have advised Westinghouse that they concur with this procedure.

This letter provides the required documents to meet the requirements of 10 CFR 2.790 for the Licensing Report. NMC submits this supplement in accordance with the provisions of 10 CFR 50.90.

Attachment 1 is Westinghouse authorization letter CAW-04-1779 with accompanying affidavit, Proprietary Information Notice, and Copyright Notice. As Attachment 2 contains information proprietary to Westinghouse Electric Company LLC, it is supported by an affidavit signed by Westinghouse, the owner of the information. The affidavit sets forth the basis on which the information may be withheld from public disclosure by the Commission and addresses with specificity the considerations listed in paragraph (b)(4) of Section 2.790 of the Commission's regulations. Accordingly it is respectfully requested that the information which is proprietary to Westinghouse be withheld from public disclosure in accordance with 10 CFR Section 2.790 of the Commission's regulations. Correspondence with respect to the copyright or proprietary aspects of the items listed above or the supporting Westinghouse affidavit should reference CAW-04-1779 and should be addressed to J. A. Gresham, Manager, Regulatory Compliance and Plant Licensing, Westinghouse Electric Company LLC, P.O. Box 355, Pittsburgh, Pennsylvania 15230-0355.

Attachment 2 provides 5 copies of, "Prairie Island Units 1 and 2 Safety Analysis Transition Program Licensing Report," dated January 2004 (Proprietary).

Attachment 3 provides 5 copies of, "Prairie Island Units 1 and 2 Safety Analysis Transition Program Licensing Report," dated January 2004 (Non-Proprietary).

The information provided in this supplement does not impact the conclusions of the Determination of No Significant Hazards Consideration and Environmental Assessment presented in the original March 25, 2003 submittal as supplemented June 16, 2003 and January 14, 2004.

In accordance with 10 CFR 50.91, NMC is notifying the State of Minnesota of this LAR supplement by transmitting a copy of this letter and non-proprietary attachments to the designated State Official.

**Attachments 2 Contains Proprietary Information**

In this letter NMC has not made any new or revised any Nuclear Regulatory Commission commitments. Please address any comments or questions regarding this LAR supplement to Mr. Dale Vincent at 1-651-388-1121.

I declare under penalty of perjury that the foregoing is true and accurate.  
Executed on **FEB 11 2004**



Joseph M. Solymossy  
Site Vice-President, Prairie Island Nuclear Generating Plant

CC Regional Administrator, USNRC, Region III  
Project Manager, Prairie Island Nuclear Generating Plant, USNRC, NRR  
NRC Resident Inspector – Prairie Island Nuclear Generating Plant  
Glenn Wilson, State of Minnesota

Attachments:

1. Westinghouse letter CAW-04-1779 with Affidavit, Proprietary Information Notice, and Copyright Notice
2. Prairie Island Units 1 and 2 Safety Analysis Transition Program Licensing Report dated January 2004 (Proprietary)
3. Prairie Island Units 1 and 2 Safety Analysis Transition Program Licensing Report dated January 2004 (Non-Proprietary)

**Attachments 2 Contains Proprietary Information**

**ATTACHMENT 1**

**PRAIRIE ISLAND NUCLEAR GENERATING PLANT**

**Letter L-PI-04-014, Supplement to  
License Amendment Request dated March 25, 2003**

Westinghouse letter CAW-04-1779  
Affidavit CAW-04-1779  
Proprietary Information Notice  
Copyright Notice



Westinghouse Electric Company  
Nuclear Services  
P.O. Box 355  
Pittsburgh, Pennsylvania 15230-0355  
USA

U.S. Nuclear Regulatory Commission  
Document Control Desk  
Washington, DC 20555-0001

Direct tel: (412) 374-4643  
Direct fax: (412) 374-4011  
e-mail: greshaja@westinghouse.com

Our ref: CAW-04-1779

January 23, 2004

APPLICATION FOR WITHHOLDING PROPRIETARY  
INFORMATION FROM PUBLIC DISCLOSURE

Subject: "Prairie Island Units 1 and 2 Safety Analysis Transition Program Licensing Report,"  
dated January, 2004 (Proprietary)

The proprietary information for which withholding is being requested in the above-referenced report is further identified in Affidavit CAW-04-1779 signed by the owner of the proprietary information, Westinghouse Electric Company LLC. The affidavit, which accompanies this letter, sets forth the basis on which the information may be withheld from public disclosure by the Commission and addresses with specificity the considerations listed in paragraph (b)(4) of 10 CFR Section 2.790 of the Commission's regulations.

Accordingly, this letter authorizes the utilization of the accompanying affidavit by Nuclear Management Company.

Correspondence with respect to the proprietary aspects of the application for withholding or the Westinghouse affidavit should reference this letter, CAW-04-1779, and should be addressed to J. A. Gresham, Manager, Regulatory Compliance and Plant Licensing, Westinghouse Electric Company LLC, P.O. Box 355, Pittsburgh, Pennsylvania 15230-0355.

Very truly yours,

A handwritten signature in black ink, appearing to read "J. S. Galembush".

J. S. Galembush, Acting Manager  
Regulatory Compliance and Plant Licensing

Enclosures

cc: D. Holland  
B. Benney  
E. Peyton

bcc: J. A. Gresham (ECE 4-7A) 1L  
R. Bastien, 1L, 1A (Nivelles, Belgium)  
C. Brinkman, 1L, 1A (Westinghouse Electric Co., 12300 Twinbrook Parkway, Suite 330, Rockville, MD 20852)  
RCPL Administrative Aide (ECE 4-7A) 1L, 1A (letter and affidavit only)

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

SS

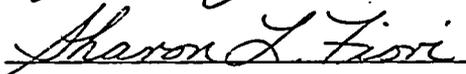
COUNTY OF ALLEGHENY:

Before me, the undersigned authority, personally appeared J. S. Galembush, 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:

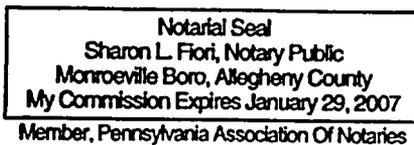


J. S. Galembush, Acting Manager  
Regulatory Compliance and Plant Licensing

Sworn to and subscribed  
before me this 23<sup>rd</sup> day  
of January, 2004



Notary Public



- (1) I am Acting Manager, Regulatory Compliance and Plant Licensing, 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 2.790 of the Commission's regulations and in conjunction with the Westinghouse "Application for Withholding" 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 2.790 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.

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 2.790, 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 "Prairie Island Units 1 and 2 Safety Analysis Transition Program Licensing Report," dated January, 2004 (Proprietary) being transmitted by the Nuclear Management Company letter and Application for Withholding Proprietary Information from Public Disclosure, to the Document Control Desk. The proprietary information as submitted for use by Westinghouse for Prairie Island Units 1 and 2 is expected to be applicable for other licensee submittals in response to certain NRC requirements for justification of continued safe operation of Prairie Island Units 1 and 2.

This information is part of that which will enable Westinghouse to:

- (a) Determine that applicable safety analysis acceptance criteria have been met.

Further this information has substantial commercial value as follows:

- (a) Westinghouse plans to sell the use of similar information to its customers for purposes of determining that applicable safety analysis acceptance criteria have been met.
- (b) Westinghouse can sell support and defense of the methodology used to perform safety analysis.
- (c) The information requested to be withheld reveals the distinguishing aspects of a methodology which was developed by Westinghouse.

Public disclosure of this proprietary information is likely to cause substantial harm to the competitive position of Westinghouse because it would enhance the ability of competitors to provide similar services for commercial power reactors without commensurate expenses. Also, public disclosure of the information would enable others to use the information to meet NRC requirements for licensing documentation without purchasing the right to use the information.

The development of the technology described in part by the information is the result of applying the results of many years of experience in an intensive Westinghouse effort and the expenditure of a considerable sum of money.

In order for competitors of Westinghouse to duplicate this information, similar technical programs would have to be performed and a significant manpower effort, having the requisite talent and experience, would have to be expended.

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 requests for generic and/or plant-specific review and approval.

In order to conform to the requirements of 10 CFR 2.790 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 2.790(b)(1).

## **COPYRIGHT NOTICE**

The reports transmitted herewith each bear a Westinghouse copyright notice. The NRC is permitted to make the number of copies of the information contained in these reports which are necessary for its internal use in connection with generic and plant-specific reviews and 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 2.790 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 reports, 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.