

April 13, 2004

Mr. J. S. Galembush, Acting Manager
Regulatory Compliance and Plant Licensing
Westinghouse Electric Company LLC
P.O. Box 355
Pittsburgh, PA 15230-0355

SUBJECT: PRAIRIE ISLAND NUCLEAR GENERATING PLANT, UNITS 1 AND 2 -
REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
BY WESTINGHOUSE ELECTRIC COMPANY, LLC (TAC NOS. MB8128 AND
MB8129)

Dear Mr. Galembush:

By letter dated February 11, 2004, Nuclear Management Company, LLC (NMC), submitted an affidavit, dated January 23, 2004, executed by Mr. J. S. Galembush, requesting that the information contained in the following document (Reference No. CAW-04-1779) be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.790:

“Prairie Island Units 1 and 2 Safety Analysis Transition Program Licensing Report,”
dated January, 2004 (Proprietary)

A nonproprietary copy of this document has been placed in the Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- (4)(ii)(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.
- (4)(ii)(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.

On February 13, 2004, certain revisions of the NRC's regulations went into effect that renumbered 10 CFR 2.790 as 10 CFR 2.390. We have reviewed your application 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 and should be withheld from public disclosure.

Therefore, the version of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) 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 need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

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 also should 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 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, I may be reached at 301-415-4106.

Sincerely,

/RA/

Anthony C. McMurtray, Senior Project Manager, Section 1
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-282 and 50-306

cc: See next page

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OFFICIAL RECORD COPY

Prairie Island Nuclear Generating Plant,
Units 1 and 2

cc:

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Vice President, Counsel & Secretary
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Tribal Council
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November 2003