

December 30, 2008

Mr. Michael D. Wadley  
Site Vice President  
Prairie Island Nuclear Generating Plant  
Northern States Power Company - Minnesota  
1717 Wakonade Drive East  
Welch, MN 55089

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE  
FOR PRAIRIE ISLAND NUCLEAR GENERATING PLANT, UNITS 1 AND 2  
(TAC NOS. MD9142 AND MD9143)

Dear Mr. Wadley:

By letter dated November 14, 2008 (Agencywide Documents Access and Management System Accession No. ML083190820), you submitted an affidavit dated November 5, 2008, executed by J. A. Gresham of Westinghouse Electric Company, LLC (Westinghouse), requesting that the information contained in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

“Prairie Island 422V+ Fuel Transition Program RAI Responses (Proprietary)”

The affidavit stated that the proprietary information as submitted by Westinghouse is that associated with Xcel Energy's responses to the [Nuclear Regulatory Commission's (NRC's)] Request for Additional Information (re: Prairie Island Units 1 and 2 transition to the Westinghouse 0.422-Inch OD 14x14 VANTAGE+ Fuel). The proprietary information is included as Enclosure 3 to the November 14, 2008, letter.

A nonproprietary copy of the document has been placed in the NRC's Public Document Room and added to the ADAMS Electronic Reading Room.

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

[The] information has substantial commercial value as follows:

- (a) Westinghouse plans to sell the use of this information to its customers for purposes of enhancing fuel performance.
- (b) The information requested to be withheld reveals the distinguishing aspects of a fuel design 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 calculations and licensing defense 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 without purchasing the right to use the information.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavit, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the applicable portions of the document 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 Nuclear Regulatory Commission (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 301-415-4037.

Sincerely,

**/RA/**

Thomas J. Wengert, Senior Project Manager  
Plant Licensing Branch III-1  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos. 50-282 and 50-306

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NAME	TWengert	THarris	GCranston	LJames
DATE	12 / 18 /08	12 / 18 /08	12 / 19 /08	12 / 30 /08

**OFFICIAL RECORD**

Prairie Island Nuclear Generating Plant,  
Units 1 and 2

cc:

Mr. J. A. Gresham, Manager  
Regulatory Compliance and Plant Licensing  
Westinghouse Electric Company  
Nuclear Services  
P.O. Box 355  
Pittsburgh, PA 15230-0355

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