



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

May 6, 2010

Mr. Mark A. Schimmel  
Site Vice President  
Prairie Island Nuclear Generating Plant  
Northern States Power Company - Minnesota  
1717 Wakonade Drive East  
Welch, MN 55089-9642

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE  
FOR PRAIRIE ISLAND NUCLEAR GENERATING PLANT, UNITS 1 AND 2  
(TAC NOS. ME2976 AND ME2977)

Dear Mr. Schimmel:

By letter dated December 22, 2009 (Agencywide Documents Access and Management System (ADAMS) Package Accession No. ML100200129), you submitted two affidavits dated December 21, 2009, executed by J. A. Gresham of Westinghouse Electric Company (Westinghouse) and Moses Taylor of Structural Integrity Associates, Inc. (SI), 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:

Structural Integrity Associates Report 0900634.401R2, "Updated Leak-Before-Break Evaluation for Several RCS Piping at Prairie Island Nuclear Generating Plant Units 1 and 2," dated December 2009.

A nonproprietary version of the document has been placed in the Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the ADAMS Public Electronic Reading Room (ADAMS Accession No. ML100200131).

The affidavit submitted by SI provided the following basis for the proprietary determination:

SI is making this application for withholding of proprietary information on the basis that such information was provided to SI under the protection of a Proprietary Information Agreement between SI and Westinghouse. In a separate Affidavit requesting withholding of such proprietary information prepared by Westinghouse, it relies upon the exemption of disclosure set forth in NRC Regulation 10 CFR 2.390(a)(4) pertaining to "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (Exemption 4). As delineated in the Affidavit, the material for which exemption from disclosure is herein sought is considered proprietary for the [reasons stated below] ...

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

- (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.

Additionally, the Westinghouse affidavit stated that the information was transmitted to the NRC in confidence, has been held in confidence, is of a type customarily held in confidence, and is not available in public sources.

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.

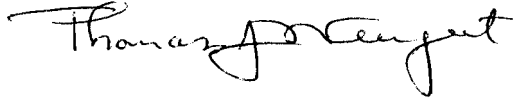
If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the 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.

M. Schimmel

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If you have any questions regarding this matter, I may be reached at 301-415-4037.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas J. Wengert". The signature is fluid and cursive, with the first name "Thomas" and last name "Wengert" clearly distinguishable.

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

cc:

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

M. Taylor, Senior Associate  
Structural Integrity Associates, Inc.  
5215 Hellyer Avenue Suite 210  
San Jose, CA 95138-1025

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M. Schimmel

- 3 -

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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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J. A. Gresham, Manager  
Regulatory Compliance and Plant Licensing  
Westinghouse Electric Company, LLC  
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