



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

January 26, 2023

Mr. Christopher P. Domingos
Site Vice President
Northern States Power Company – Minnesota
Prairie Island Nuclear Generating Plant
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, RE: LICENSE AMENDMENT REQUEST TO REVISE TECHNICAL SPECIFICATION SECTION 5.6.6, REACTOR COOLANT SYSTEM (RCS) PRESSURE AND TEMPERATURE LIMITS REPORT (PTLR) (EPID L-2022-LLA-0184)

Dear Mr. Domingos:

By letter dated December 2, 2022, Northern States Power Company, a Minnesota corporation (NSPM, the licensee), doing business as Xcel Energy submitted an affidavit dated August 2, 2022, executed by Camille Zozula, Manager, Regulatory Compliance and Corporate Licensing for Westinghouse Electric Company LLC, requesting that the information contained in the following document be withheld from public disclosure pursuant to Section 2.390 of Title 10 of the *Code of Federal Regulations* (10 CFR):

Westinghouse Analysis NSPM-LTP-TR-AA-000001-P, Revision 1, Prairie Island Units 1 and 2, Low Temperature Overpressure Protection System (LTOPS) Analysis

A nonproprietary copy of this document has been placed in the U.S. Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the NRC Library in Agencywide Documents Access and Management System (ADAMS) at Accession No. ML22343A257.

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

- (4) Pursuant to 10 CFR 2.390, 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 and is not customarily disclosed to the public.
 - (ii) The information sought to be withheld is being transmitted to the Commission in confidence and, to Westinghouse's knowledge, is not available in public sources.

- (iii) Westinghouse notes that a showing of substantial harm is no longer an applicable criterion for analyzing whether a document should be withheld from public disclosure. Nevertheless, 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 technical evaluation justifications 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 documentation without purchasing the right to use the information.
- (5) Westinghouse has policies in place to identify proprietary information. 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.
 - (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.

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 version(s) 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, please contact me at 301-415-0680 or via email at Brent.Ballard@nrc.gov.

Sincerely,

/RA/

Brent T. Ballard, Project Manager
Plant Licensing Branch III
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-282 and 50-306

cc: Camille Zozula, Manager
Regulatory Compliance & Corporate Licensing
Westinghouse Electric Company LLC
1000 Westinghouse Drive
Cranberry Township, PA 16066-5528

Listserv

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