

September 27, 2001

Mr. Jeffrey S. Forbes  
Site Vice President  
Monticello Nuclear Generating Plant  
Nuclear Management Company, LLC  
2807 West County Road 75  
Monticello, MN 55362-9637

SUBJECT: MONTICELLO NUCLEAR GENERATING PLANT - REQUEST FOR ADDITIONAL INFORMATION REGARDING REQUEST TO WITHHOLD INFORMATION FROM PUBLIC DISCLOSURE (TAC NO. MB2855)

Dear Mr. Forbes:

By your application dated August 30, 2001, which included Global Nuclear Fuel-Americas, LLC's (GNF-A's), affidavit dated July 2, 2001, executed by G.A. Watford, you submitted a license amendment request for Monticello Cycle 21 Safety Limit Minimum Critical Power Ratio (SLMCPR) and requested that Exhibit D-2 (GNF-A letter dated June 29, 2001, "Additional Information Regarding the Cycle Specific SLMCPR for Monticello Cycle 21") be withheld from public disclosure pursuant to 10 CFR 2.790. Your application also provided Exhibit D-3, a nonproprietary version of Exhibit D-2. A nonproprietary version of your application has been placed in the NRC public document room and added to the Agencywide Documents Access and Management Systems Publicly Available Records System (ADAMS PARS) Library.

Section 2.790(b)(1)(ii) of 10 CFR Part 2 of the Commission's regulations requires that each supporting affidavit contain a full statement of the reasons on the basis of which it is claimed that the information should be withheld from public disclosure. The section further requires the statement to "address with specificity" the considerations listed in 10 CFR 2.790(b)(4).

Your affidavit has been reviewed in light of the aforementioned paragraphs of the regulations and it is unclear that all of the information marked as proprietary in Exhibit D-2 meets the requirements of 10 CFR 2.790(b)(4). Specifically, in Table 1, "Comparison of the Monticello Cycle 21 and Cycle 20 SLMCPR," the number of bundles in the core, the reload fuel type, the power distribution uncertainty correlation, and the actual value of calculated SLMCPR, do not appear to meet the criteria of 10 CFR 2.790(b)(4) for proprietary information.

Accordingly, consideration should be given to supplementing the present record with additional factual information. If such action is taken, it is suggested that you furnish specific factual information for your application indicating why the quantities noted above for Table 1 are proprietary, or revise Table 1 to clearly separate proprietary and nonproprietary information.

In summary, we have determined that your affidavit is not in conformity with 10 CFR 2.790(b) of the Commission's regulations inasmuch as it fails to address the considerations of paragraph (b)(4) with sufficient specificity to enable us to make the required determination under 10 CFR 2.790(b). Consequently, we are unable to conclude at this time that the information referenced in the affidavit is proprietary.

J. Forbes

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In accordance with 10 CFR 2.790(c), the information sought to be withheld will be placed in the Commission's Public Document Room 30 days after your receipt of this letter unless you either seek to withdraw the information requested to be withheld or provide the Nuclear Regulatory Commission with an amended affidavit meeting the requirements of 10 CFR 2.790(b). If you request that the information be withdrawn, your request will be considered in light of applicable statutes and regulations and a determination made whether the documents will be withheld from public disclosure and returned to you.

If you have any questions regarding this matter, I may be reached at 301-415-2296.

Sincerely,

*/RA/*

Carl F. Lyon, Project Manager, Section 1  
Project Directorate III  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-263

cc: See next page

J. Forbes

- 2 -

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DATE	9/27/01	9/27/01	09/27/01	9/27/01

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Monticello Nuclear Generating Plant

cc:

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