

August 26, 2003

Mr. David L. Wilson  
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  
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE  
(TAC NO. MB7187)

Dear Mr. Forbes:

The Nuclear Management Company, LLC's (NMC's), letter of December 6, 2002, submitted an affidavit dated September 25, 2002, executed by David J. Robare, General Electric Company (GE), requesting that information in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.790:

GE Report GE-NE-0000-0002-8817-01, Revision 1, "Monticello Nuclear Generating Plant Long-term Containment Analysis," dated September 2002

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:

- It discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by General Electric's competitors without license from General Electric constitutes a competitive economic advantage over other companies.
- It, if used 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 of a similar product.
- It contains detailed results of analytical models, methods and processes, including computer codes, which GE has developed.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 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 2.790(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 301-415-3049.

Sincerely,

*/RA/*

L. Mark Padovan, 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

D. Wilson

- 2 -

Therefore, the version of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.790(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 301-415-3049.

Sincerely,

*/RA/*

L. Mark Padovan, 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

DISTRIBUTION

PUBLIC	OGC
PDIII-1 Reading	ACRS
LRaghavan	SMagruder
LPadovan	RDennig
RBouling	BBurgess, RGN-III

ADAMS Accession No. ML032270271

OFFICE	PDIII-1/PM	PDIII-1/LA	SPSB/SC	OGC	PDIII-1/SC
NAME	LPadovan	RBouling	RDennig	DHassel	LRaghavan
DATE	08/17/03	08/18/03	08/20/03	08/25/03	08/25/03

OFFICIAL RECORD COPY

Monticello Nuclear Generating Plant

cc:

Jonathan Rogoff, Esquire  
General Counsel  
Nuclear Management Company, LLC  
700 First Street  
Hudson, WI 54016

U.S. Nuclear Regulatory Commission  
Resident Inspector's Office  
2807 W. County Road 75  
Monticello, MN 55362

Manager, Regulatory Affairs  
Monticello Nuclear Generating Plant  
Nuclear Management Company, LLC  
2807 West County Road 75  
Monticello, MN 55362-9637

Robert Nelson, President  
Minnesota Environmental Control  
Citizens Association (MECCA)  
1051 South McKnight Road  
St. Paul, MN 55119

Commissioner  
Minnesota Pollution Control Agency  
520 Lafayette Road  
St. Paul, MN 55155-4194

Regional Administrator, Region III  
U.S. Nuclear Regulatory Commission  
801 Warrenville Road  
Lisle, IL 60532-4351

Commissioner  
Minnesota Department of Health  
717 Delaware Street, S. E.  
Minneapolis, MN 55440

Douglas M. Gruber, Auditor/Treasurer  
Wright County Government Center  
10 NW Second Street  
Buffalo, MN 55313

Commissioner  
Minnesota Department of Commerce  
121 Seventh Place East  
Suite 200  
St. Paul, MN 55101-2145

Adonis A. Neblett  
Assistant Attorney General  
Office of the Attorney General  
445 Minnesota Street  
Suite 900  
St. Paul, MN 55101-2127

John Paul Cowan  
Executive Vice President & Chief Nuclear  
Officer  
Nuclear Management Company, LLC  
700 First Street  
Hudson, WI 54016

Nuclear Asset Manager  
Xcel Energy, Inc.  
414 Nicollet Mall, R.S. 8  
Minneapolis, MN 55401

August 2003