

November 6, 2008

Mr. Timothy J. O'Connor
Site Vice President
Monticello Nuclear Generating Plant
Northern States Power Company
2807 West County Road 75
Monticello, MN 55362-9637

SUBJECT: MONTICELLO NUCLEAR GENERATING PLANT - REQUEST FOR
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
(TAC NO. MD8064)

Dear Mr. O'Connor:

By letter dated September 16, 2008, you submitted a supplement to the February 6, 2008, application for an amendment regarding the power range neutron monitoring system. Your letter stated that Enclosure 8, "GEH Proprietary Response to NRC Request for Additional Information dated June 13, 2008," and Enclosure 9, "GEH Proprietary Response to NRC Request for Additional Information dated June 13, RAI No. 2," contain information which is proprietary to GE-Hitachi Nuclear Energy Americas LLC (GEH). GEH requested that this proprietary information be withheld from public disclosure in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 390(a)4, and Part 9, Section 17(a)(4). Your letter provided two affidavits as Enclosure 4, executed by Messrs. Robert E. Brown and Tim E. Abney of GEH to support this request. The affidavits requested that Enclosures 8 and 9 be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390.

The GEH affidavits stated that the entire Enclosures 8 and 9 should be considered exempt from mandatory public disclosure because Enclosures 8 and 9 contain:

- (a) Information that discloses a process, method, or apparatus including supporting data and analyses, where prevention of its use by GEH's competitors without license from GEH constitutes a competitive advantage over other companies;
- (b) Information which, 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;

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, we have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the entire documents identified as Enclosures 5 and 6, which are 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 regarding this matter, I may be reached at 301-415-1451.

Sincerely,

/RA/

Peter S. Tam, Senior Project Manager
Plant Licensing Branch III-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-263

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T. J. O'Connor

- 2 -

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Peter S. Tam, Senior Project Manager
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