



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

January 14, 2009

Mr. Timothy J. O'Connor
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. MD9990)

Dear Mr. O'Connor:

By letter dated November 5, 2008, you submitted an application for amendment (Agencywide Documents Access and Management System (ADAMS) Accession No. ML083230113), including Enclosure 5, "Safety analysis Report for Monticello Constant Pressure Power Uprate (Proprietary)," and Enclosure 6, an affidavit executed by Mr. Tim E. Abney of GE-Hitachi Nuclear Energy Americas LLC (GEH), on October 24, 2008, requesting that Enclosure 5 be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390.

The affidavit stated that the entire Enclosure 5 should be considered exempt from mandatory public disclosure for the following reasons:

- (1) 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 economic advantage over other companies;
- (2) 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 GEH's affidavit in accordance with the requirements of 10 CFR 2.390, and on the basis of its statements, 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 Enclosure 5, which is 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.

We have released to the public the non-proprietary version of the GEH document that was submitted as Enclosure 7 (ADAMS Accession No. ML083230112) of your November 5, 2008, application.

T. J. O'Connor

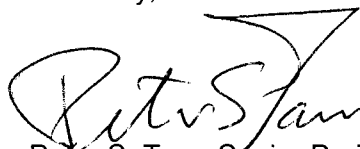
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Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, 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,

A handwritten signature in black ink, appearing to read "Peter S. Tam". The signature is fluid and cursive, with a large, stylized initial "P" and "T".

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

cc: Mr. Tim E. Abney
Vice President, Services Licensing
Regulatory Affairs
GE-Hitachi Nuclear Energy Americas LLC
3901 Castle Hayne Road
Wilmington, NC 28401

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January 14, 2009

T. J. O'Connor

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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

cc: Mr. Tim E. Abney
Vice President, Services Licensing
Regulatory Affairs
GE-Hitachi Nuclear Energy Americas LLC
3901 Castle Hayne Road
Wilmington, NC 28401

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