



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

September 28, 2009

Mr. Timothy J. O'Connor
Site Vice President
Monticello Nuclear Generating Plant
Northern States Power Company – Minnesota (NSPM)
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 August 26, 2009 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML092390326), you responded to a Request for Additional Information (RAI) from the Nuclear Regulatory Commission (NRC) staff. Your submittal included Enclosure 1, "Limit Curve Analysis with ACM Rev. 4 for Power Ascension at Monticello, Rev. 3 (Proprietary)" (ADAMS Accession No. ML092390325, and an affidavit executed by Ms. Barbara A. Agans of Continuum Dynamics, Inc. (C.D.I.), dated August 10, 2009, requesting that Enclosure 1 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 1 should be considered exempt from mandatory public disclosure because the information summarizes:

- (a) a process or method, including supporting data and analysis, where prevention of its use by C.D.I.'s competitors without license from C.D.I. 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;
- (c) Information which discloses patentable subject matter for which it may be desirable to obtain patent protection.

We have reviewed C.D.I.'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 1, 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 balance (non-proprietary) parts of your August 26, 2009, letter, including Enclosure 3, the non-proprietary version of the C.D.I. document (ADAMS Accession No. ML0092390321).

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 301-415-3079.

Sincerely,

A handwritten signature in cursive script that reads "Karl D. Feintuch".

Karl D. Feintuch, Project Manager
Plant Licensing Branch III-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-263

cc w/encl: Distribution via ListServ

Monticello Nuclear Generating Plant

cc: Ms. Barbara A. Agans, Director, Business Administration
Continuum Dynamics, Inc.
34 Lexington Avenue
Ewing, NJ 08618-2302

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T. J. O'Connor

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If you have any questions regarding this matter, I may be reached at 301-415-1451.

Sincerely,

/RA/

Karl D. Feintuch, 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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