



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

March 19, 2010

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

SUBJECT: MONTICELLO NUCLEAR GENERATING PLANT - REQUEST FOR
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
(TAC NO. ME3145)

Dear Mr. O'Connor:

By letter dated March 4, 2010 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML100710474), you supplemented your January 21, 2010, application for an amendment to allow operation within the Maximum Extended Load Line Limit Analysis (MELLLA+) operating domain. Your submittal included Enclosure 1, GE-MNGP-AEP-1687, Rev. 1, "GEH Response to NRC Supplemental Request 1, 3, and 4 (Proprietary)" (ADAMS Accession No. ML100710446, and an affidavit executed by Mr. Edward D. Schrull of GE-Hitachi Nuclear Energy Americas LLC, dated March 4, 2010, 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 it contains:

- (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 GEH and/or other companies;
- (b) Information that, if used by a competitor, would reduce their expenditure of resources or improve their 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 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.

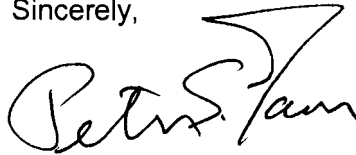
We have released to the public the balance (non-proprietary) parts of your March 4, 2010, submittal, including Enclosure 2, the non-proprietary version of Enclosure 1 (Accession No. ML100710444).

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 that reads "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. Edward D. Schrull, Vice President, Regulatory Affairs
GE-Hitachi Nuclear Energy Americas LLC
3901 Castle Hayne Rd.
Wilmington, NC 28401

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/RA/

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

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Accession No.: **ML100710787**

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