



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

January 25, 2013

Mr. Mark A. Schimmel
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 OF PROPRIETARY INFORMATION FROM PUBLIC
DISCLOSURE (TAC NO. ME3145)

Dear Mr. Schimmel:

By letter dated January 21, 2010 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML100280558), Xcel Energy (the licensee) submitted an application for a license amendment to use the Maximum Extended Load Line Limit Analysis Plus (MELLLA+) methodology.

On October 24-25, 2012, the U.S. Nuclear Regulatory Commission (NRC) staff held an audit at the General Electric – Hitachi (GEH) offices in Wilmington, North Carolina, in support of its review of the MELLLA+ license amendment application. During the NRC audit, GEH provided several presentations to the NRC staff. The presentation material was formally submitted to the staff by letter dated November 30, 2012 (ADAMS Accession No. ML12340A432).

The submittal included, as Enclosure 3, an affidavit executed on October 30, 2012, by Mr. Edward D. Schrull of GEH Nuclear Energy. The affidavit was executed to support withholding Enclosure 1 from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390. The affidavit stated that Enclosure 1 should be considered exempt 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 economic 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 the GEH affidavit in accordance with the requirements of 10 CFR 2.390 and, on the basis of its statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure. Therefore, 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.

In the licensee's November 30, 2012, submittal, a non-proprietary version of Enclosure 1 was provided which was released to the public (ADAMS Accession No. ML12340A430).

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, the NRC 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,

A handwritten signature in black ink, appearing to read "Terry A. Beltz", with a long horizontal flourish extending to the right.

Terry A. Beltz, 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
3901 Castle Hayne Road
Wilmington, NC 28401

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M. Schimmel

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/RA/

Terry A. Beltz, Senior Project Manager
Plant Licensing Branch III-1
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Vice President, Regulatory Affairs
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