



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

October 8, 2013

Mrs. Karen D. Fili
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 (MNGP) – REQUEST FOR WITHHOLDING OF PROPRIETARY INFORMATION FROM PUBLIC DISCLOSURE (TAC NO. MD9990 AND ME3145)

Dear Mrs. Fili:

By letter to the U.S. Nuclear Regulatory Commission (NRC) dated November 5, 2008 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML083230111), Northern States Power Company – Minnesota (NSPM, the licensee), doing business as Xcel Energy, submitted an extended power uprate (EPU) license amendment request to revise the MNGP Renewed Operating License and technical specifications to increase the maximum authorized licenses thermal power level from 1775 megawatts thermal (MWt) to 2004 MWt. On January 21, 2010, NSPM submitted a license amendment request (ADAMS Accession No. ML100280558) to allow operation within the Maximum Extended Load Line Limit Analysis Plus (MELLLA+) operating domain.

In letters dated September 28, 2012, and November 30, 2012 (ADAMS Accession Nos. ML12276A057 and ML123380435, respectively), NSPM submitted detailed assessments of the MNGP Residual Heat Removal and Core Spray pumps' ability to meet the uncertainties and margins described in NRC SECY 11-0014, "Use of Containment Accident Pressure in Analyzing Emergency Core Cooling System and Containment Heat Removal System Pump Performance in Postulated Accidents." Credit for containment accident pressure is part of the MNGP licensing basis for core cooling analyses in both the EPU and MELLLA+ license amendment requests.

In a letter dated March 21, 2013 (ADAMS Accession No. ML13085A033), the licensee submitted a response to NRC staff requests for additional information pertaining to its review of the aforementioned September 28, and November 30, 2012, letters. The submittal included, as Enclosure 4, an affidavit executed on March 14, 2013, by Linda C. Dolan of GE-Hitachi (GEH) Nuclear Energy Americas, LLC. The affidavit was executed to support withholding Enclosure 2 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 3 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 that, if used by a competitor, would reduce their 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 that reveals aspects of past, present, or future GEH customer-funded development plans and programs, that may include potential products of GEH.
- d. Information that discloses trade secret or potentially patentable subject matter for which it may be desirable to obtain patent protection

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 2, 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.

Enclosure 3 of the licensee's March 21, 2013, submittal was provided as a non-proprietary version of Enclosure 2, and was released to the public.

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.

K. D. Fili

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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 line 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: Linda C. Dolan, Manager
Regulatory Compliance
GE-Hitachi Nuclear Energy Americas LLC
3901 Castle Hayne Road
Wilmington, NC 28401

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K. D. Fili

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Sincerely,

/RA/

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

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