



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 NOS. 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 operating domain.

In a letter dated June 26, 2013 (ADAMS Accession No. ML13191B126), the licensee submitted its response to NRC staff requests for additional information concerning fluence as it relates to the upper shelf energy at EPU conditions. The submittal included, as Enclosure 4, two affidavits which were executed on June 12, 2013, by Kurt Edsinger of the Electric Power Research Institute, Inc. (EPRI), and June 17, 2013, by Linda C. Dolan of GE-Hitachi (GEH) Nuclear Energy Americas, LLC. The affidavits were executed to support withholding Enclosure 3 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 GEH 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.
- 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.
- e. EPRI made a substantial economic investment to develop the Proprietary Information and, by prohibiting from public disclosure, EPRI derives an economic benefit in the form of licensing royalties and other additional fees from the confidential nature of the Proprietary Information. If the Proprietary Information were publicly available to consultants and/or other businesses providing services in the electric and/or nuclear power industry, they would be able to use the Proprietary Information for their own commercial benefit and profit and without expending the substantial economic resources required of EPRI to develop the Proprietary Information.

We have reviewed the GEH and EPRI affidavits 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 3, 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 5 of the June 26, 2013, submittal was provided as a non-proprietary version of Enclosure 3, and was released to the public (ADAMS Accession No. ML13191B128).

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.

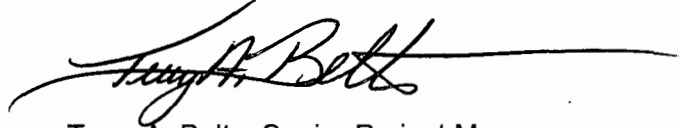
If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the 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". The signature is fluid and cursive, 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

Kurt Edsinger, Director of PWR and  
BWR Materials  
Electric Power Research Institute, Inc.  
3420 Hillview Avenue  
Palo Alto, CA 94304

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K. D. Fili

- 3 -

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Sincerely,

**/RA/**

Terry A. Beltz, Senior Project Manager  
Plant Licensing Branch III-1  
Division of Operating Reactor Licensing  
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**ADAMS Accession No.: ML13239A084**

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