

June 16, 2008

Mr. Timothy J. O'Connor  
Site Vice President  
Monticello Nuclear Generating Plant  
Nuclear Management Company, LLC  
2807 West County Road 75  
Monticello, MN 55362-9637

SUBJECT: MONTICELLO NUCLEAR GENERATING PLANT - REQUEST FOR  
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE  
(TAC NO. MD8398)

Dear Mr. O'Connor:

By letter dated May 30, 2008, you submitted a supplement to the March 31, 2008, application for an extended power uprate amendment. Your letter stated that Enclosure 1, "Mechanical and Civil Engineering Branch Questions and Responses (Proprietary)," contains information which is proprietary to Continuum Dynamics, Inc. (CDI), and that CDI requested that this proprietary information be withheld from public disclosure in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 390(a)4, and Part 9, Section 17(a)4. Your letter provided an affidavit as Enclosure 2, executed by Mr. Alan J. Bilanin, to support this request. You provided a non-proprietary version of the CDI document as Enclosure 3. The affidavit requested 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.

Mr. Bilanin's affidavit stated that the entire Enclosure 1 should be considered exempt from mandatory public disclosure for the following reasons:

- (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 your application and the material in accordance with the requirements of 10 CFR 2.390, and on the basis of the statements in the affidavit, 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 document identified as 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.

T. J. O'Connor

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We will release to the public the non-proprietary version of Mr. Bilanin's document, which was provided as Enclosure 3 of your May 30, 2008, letter (Accession No. ML081550504).

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,

*/RA/*

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: See next page

T. J. O'Connor

- 2 -

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**/RA/**

Peter S. Tam, Senior Project Manager  
Plant Licensing Branch III-1  
Division of Operating Reactor Licensing  
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Accession No.: **ML081560023**

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**OFFICIAL RECORD COPY**

Monticello Nuclear Generating Plant

cc:

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