

June 8, 2000

Dr. Robert C. Mecredy
Vice President, Nuclear Operations
Rochester Gas and Electric
89 East Avenue
Rochester, NY 14649

SUBJECT: PUBLIC DISCLOSURE DETERMINATION REGARDING ROCHESTER GAS AND ELECTRIC CORPORATION (RG&E) LETTER, DATED APRIL 26, 2000, RESPONDING TO NRC LETTER, DATED MARCH 27, 2000.

Dear Dr. Mecredy:

This is in response to your letter of April 26, 2000 ("RG&E Response"). RG&E's Response addressed an NRC request to evaluate information received by the NRC staff concerning the qualifications of an individual assigned to the independent audit function of the Ginna Station Quality Assurance department.

Among other things, in RG&E's Response, it is stated that the submitted information should be considered exempt from mandatory public disclosure pursuant to 10 CFR 2.790. In your affidavit attached to your letter, you request that the RG&E Response be withheld from public disclosure under the provisions of 10 CFR 2.790 for the following reasons:

1. There is a rational basis for holding information in confidence. Confidential treatment of such information encourages frank and open internal investigations.
2. Disclosure of the RG&E Response, would result in the details of the internal investigation being revealed. Such disclosure would adversely affect the future effectiveness of RG&E's ability to investigate similar issues involving its employees.
3. The RG&E Response also involves personal privacy issues, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

We have reviewed your request and your redacted April 28, 2000, copy of the April 26, 2000, letter, in accordance with the requirements of 10 CFR 2.790. On the basis of your statements, and after consultation with our Regional Counsel on this matter, we have determined that the submitted information sought to be withheld contains personnel information, the disclosure of which would be a clearly unwarranted invasion of privacy.

Therefore, the version of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.790(b)(6) and Section 103(b) of the Atomic Energy Act of 1954, as amended. The redacted April 28, 2000, copies may, if otherwise appropriate, be placed in the NRC's public document room. Moreover, if subject to a FOIA request, the redacted copies will be released.

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. We will, of course, ensure that the consultants have signed the appropriate agreements for handling such 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 the disclosure of the information, please contact J. Bradley Fewell, Regional Counsel, at (610) 337-5301.

Sincerely,

/RA/

Richard V. Crlenjak, Acting Director
Division of Reactor Projects

Docket No. 05000244

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cc:

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