

February 5, 2004

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

SUBJECT: ROCHESTER GAS AND ELECTRIC CORPORATION AND CONSTELLATION
GENERATION GROUP, LLC, REQUEST FOR WITHHOLDING INFORMATION
FROM PUBLIC DISCLOSURE FOR R. E. GINNA NUCLEAR POWER PLANT
(TAC NO. MC1567)

Dear Dr. Mecredy:

By letter dated December 16, 2003, Rochester Gas and Electric Corporation (RG&E) and Constellation Generation Group, LLC submitted an affidavit dated December 12, 2003, executed by Michael J. Wallace, requesting that the information contained in the, "Confidential Addendum," be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790:

A nonproprietary copy of this document has been placed in the Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- (i) This information is of a type that is customarily held in confidence by Constellation Generation Group, LLC and there is a rational basis for doing so because the information contains sensitive financial information concerning the projected revenues and operating expenses of Constellation Generation Group, LLC and other affiliated entities.
- (ii) This information is being and has been held in confidence by Constellation Generation Group, LLC.
- (iii) This information is being transmitted to the Nuclear Regulatory Commission in confidence.
- (iv) This information is not available in public sources and could not be gathered readily from other publicly available information.
- (v) Public disclosure of this information would create substantial harm to the competitive position of Constellation Generation Group, LLC and other affiliated entities by disclosing internal financial projections for these entities and confidential financial and corporate information to other parties whose

commercial interests may be adverse to those of Constellation Generation Group, LLC and other affiliated entities.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the version(s) of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.790(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

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 301-415-2297.

Sincerely,

/RA/

Robert Clark, Project Manager, Section 1
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-244

cc: See next page

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*See previous concurrence

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R.E. Ginna Nuclear Power Plant

cc:

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