



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

November 25, 2008

Mr. Joseph E. Pacher
Manager, Nuclear Engineering Services
R.E. Ginna Nuclear Power Plant, LLC
1503 Lake Road
Ontario, NY 14519-9364

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
R. E. GINNA NUCEAR POWER PLANT (TAC NO. MD8733)

Dear Mr. Pacher:

By letter dated October 31, 2008, you submitted an affidavit dated October 24, 2008, executed by Mr. J. A. Gresham on behalf of Westinghouse Electric Company LLC, requesting that the information contained in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

Responses to NRC Request for Additional Information RE: Fourth 10-Year Interval Inservice Inspection Program Relief Request No. 19 – R.E. Ginna Nuclear Power Plant (TAC No. MD8733) (Proprietary)

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:

- (a) The information reveals the distinguishing aspects of a process (or component, structure, tool, method, etc.) where prevention of its use by any of Westinghouse's competitors without license from Westinghouse constitutes a competitive economic advantage over other companies.
- (b) Its use 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 a similar product.

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, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the Responses to NRC Request for Additional Information RE: Fourth 10-Year Interval Inservice Inspection Program Relief Request No. 19 – R.E. Ginna Nuclear Power Plant (TAC No. MD8733) (Proprietary) marked as proprietary, will be withheld from public disclosure

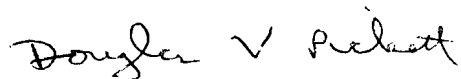
pursuant to 10 CFR 2.390(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

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 Nuclear Regulatory Commission (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 301-415-1364.

Sincerely,



Douglas Pickett, Senior Project Manager
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-244

cc: Distribution via Listserv

Mr. J. A. Gresham, Manager
Regulatory Compliance and Plant Licensing
Westinghouse Electric Company
Nuclear Services
P.O. Box 355
Pittsburgh, PA 15230-0355

J. Pacher

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/RA/
Douglas Pickett, Senior Project Manager
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Regulatory Compliance and Plant Licensing
Westinghouse Electric Company
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