

Docket No. 50-244
LS05-85-11-017

NOV 08 1985

Mr. Roger W. Kober, Vice President
Electric and Steam Production
Rochester Gas & Electric Corporation
89 East Avenue
Rochester, New York 14649

Dear Mr. Kober:

SUBJECT: NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO LICENSE AND
OPPORTUNITY FOR PRIOR HEARING

Re: R. E. Ginna Nuclear Power Plant

Enclosed is a "Notice of Consideration of Issuance of Amendment to License and Opportunity for Prior Hearing" which is being forwarded to the Office of the Federal Register for publication. This notice relates to your request for amendment dated February 27, 1985, as supplemented June 10, June 26, and July 11, 1985, on storage of consolidated fuel.

Sincerely,
~~Original signed by~~

John A. Zwolinski, Chief
Operating Reactors Branch No. 5
Division of Licensing

Enclosure:
Notice

cc w/enclosure:
See next page

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Subject to
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any orb. by this
changes

See change needed
on notice
(and new version)
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Commission's Rules of Practice for Domestic Licensing Proceedings^m in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order. *insert*

As required by 10 CFR §2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement

INSERT 1

Since this is the first application filed after the enactment of the Nuclear Waste Policy Act of 1982 (42 U.S.C. Sec 10154) for a license amendment to expand onsite spent fuel storage capacity by the use of consolidation of fuel canisters, the special provisions of that section ~~do not~~ ^{allow} ~~are not applicable~~ to this application. ^{for the hybrid hearing process}

to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

~~Subject to the above requirements and any limitations in the order granting leave to intervene, those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.~~

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D. C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D. C. by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Mr. John A. Zwolinski: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this FEDERAL REGISTER notice. A copy of the petition should also be sent to the Executive Legal Director, U. S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to Harry H. Voigt, Esquire, Le Boeuf, Lamb, Lieby and MacRae, 1333 New Hampshire Ave., N.W., Suite 1100, Washington, D. C. 20036, attorney for the licensee.

Get

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Exhibit
attached
to
Statement
on
Nuclear
Waste
Policy
Act
Procedure



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

Docket No. 50-244
LS05-85-11-017

November 8, 1985

Mr. Roger W. Kober, Vice President
Electric and Steam Production
Rochester Gas & Electric Corporation
89 East Avenue
Rochester, New York 14649

Dear Mr. Kober:

SUBJECT: NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO LICENSE AND
OPPORTUNITY FOR PRIOR HEARING

Re: R. E. Ginna Nuclear Power Plant

Enclosed is a "Notice of Consideration of Issuance of Amendment to License and Opportunity for Prior Hearing" which is being forwarded to the Office of the Federal Register for publication. This notice relates to your request for amendment dated February 27, 1985, as supplemented June 10, June 26, and July 11, 1985, on storage of consolidated fuel.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Zwolinski".

John A. Zwolinski, Chief
Operating Reactors Branch No. 5
Division of Licensing

Enclosure:
Notice

cc w/enclosure:
See next page

Mr. Roger W. Kober
Rochester Gas and Electric Corporation

R. E. Ginna Nuclear Power Plant

cc:

Harry H. Voigt, Esquire
LeBoeuf, Lamb, Leiby and MacRae
1333 New Hampshire Avenue, N.W.
Suite 1100
Washington, D.C. 20036

Ezra Bialik
Assistant Attorney General
Environmental Protection Bureau
New York State Department of Law
2 World Trade Center
New York, New York 10047

Resident Inspector
R.E. Ginna Plant
c/o U.S. NRC
1503 Lake Road
Ontario, New York 14519

Stanley B. Klimberg, Esquire
General Counsel
New York State Energy Office
Agency Building 2
Empire State Plaza
Albany, New York 12223

Regional Administrator, Region I
U.S. Nuclear Regulatory Commission
631 Park Avenue
King of Prussia, Pennsylvania 19406

Supervisor of the Town of Ontario
1850 Ridge Road
Ontario, New York 14519

Jay Dunkleberger
Division of Policy Analysis & Planning
New York State Energy Office
Agency Building 2
Empire State Plaza
Albany, New York 12223

U.S. Environmental Protection Agency
Region II Office
ATTN: Regional Radiation Representative
26 Federal Plaza
New York, New York 10007

UNITED STATES NUCLEAR REGULATORY COMMISSIONROCHESTER GAS AND ELECTRIC CORPORATIONDOCKET NO. 50-244NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENTTO FACILITY OPERATING LICENSE ANDOPPORTUNITY FOR PRIOR HEARING

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-18 issued to Rochester Gas and Electric Corporation (the licensee), for the R. E. Ginna Nuclear Power Plant, located in Wayne County, New York. The amendment would modify the Technical Specifications (TS) to (1) increase the spent fuel pool (SFP) storage capacity by authorizing storage of consolidated fuel canisters in the existing SFP and imposing restrictions on the storage of the consolidated fuel canisters in the SFP, and (2) modify the current prohibition on the use of the Auxiliary Building crane over the SFP to authorize use of the crane to move consolidated fuel canisters, in accordance with the licensee's application for amendment dated February 27, 1985, as supplemented June 10, June 26, and July 11, 1985.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and Commission's regulations.

By December 13, 1985, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the

Commission's Rules of Practice for Domestic Licensing Proceedings in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order. Since this is the first application filed after the enactment of the Nuclear Waste Policy Act of 1982 (42 U.S.C. Sec 10154) for a license amendment to expand onsite spent fuel storage capacity by the use of consolidation of fuel canisters, the special provisions allowing for the hybrid hearing process of that section do not apply to this application.

As required by 10 CFR §2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the

first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D. C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D. C. by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Mr. John A. Zwolinski: petitioner's name and telephone number; date petition was mailed; plant name; and publication

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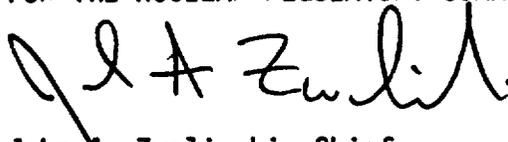
date and page number of this FEDERAL REGISTER notice. A copy of the petition should also be sent to the Executive Legal Director, U. S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to Harry H. Voigt, Esquire, Le Boeuf, Lamb, Lieby and MacRae, 1333 New Hampshire Ave., N.W., Suite 1100, Washington, D. C. 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated February 27, 1985, as supplemented June 10, June 26, and July 11, 1985, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N. W., Washington, D. C. 20555 and at the Rochester Public Library, 115 South Avenue, Rochester, New York 14610.

Dated at Bethesda, Maryland this 8th day of November 1985.

FOR THE NUCLEAR REGULATORY COMMISSION



John A. Zwolinski, Chief
Operating Reactors Branch #5
Division of Licensing