

January 16, 1996

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

SUBJECT: ENVIRONMENTAL ASSESSMENT AND FINDING OF NO SIGNIFICANT IMPACT FOR
THE CONVERSION OF THE TECHNICAL SPECIFICATIONS TO THE IMPROVED
TECHNICAL SPECIFICATIONS - R. E. GINNA NUCLEAR POWER PLANT
(TAC NO. M89516)

Dear Dr. Mecredy:

Enclosed is a copy of the Environmental Assessment and Finding of No Significant Impact related to your application for amendment dated May 26, 1995, as supplemented by letters dated July 17, 1995, August 14, 1995, August 31, 1995, September 18, 1995, October 6, 1995, October 18, 1995, November 1, 1995, November 16, 1995, two letters of November 20, 1995, November 21, 1995, November 22, 1995, two letters of November 27, 1995, November 30, 1995, December 8, 1995, and December 28, 1995. The proposed amendment adopts the improved Technical Specifications (TSs) for the R. E. Ginna Nuclear Power Plant (Ginna) based on Revision 1 to NUREG-1431, "Standard Technical Specifications Westinghouse Plants," and the existing Ginna TSs.

This assessment is being forwarded to the Office of the Federal Register for publication.

Sincerely,

ORIGINAL SIGNED BY:

Allen R. Johnson, Project Manager
Project Directorate I-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket No. 50-244

Enclosure: Environmental Assessment

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Dr. Robert C. Mecredy

R.E. Ginna Nuclear Power Plant

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UNITED STATES NUCLEAR REGULATORY COMMISSION

ROCHESTER GAS AND ELECTRIC CORPORATION

DOCKET NO. 50-244

R. E. GINNA NUCLEAR POWER PLANT

ENVIRONMENTAL ASSESSMENT AND FINDING OF

NO SIGNIFICANT IMPACT

The U. S. 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 operation of the Ginna Nuclear Power Plant (Ginna), located at the licensee's site in Wayne County, New York.

ENVIRONMENTAL ASSESSMENT

Identification of Proposed Action:

The proposed action addresses potential environmental issues related to the licensee's application dated May 26, 1995, as supplemented by letters dated July 17, 1995, August 14, 1995, August 31, 1995, September 18, 1995, October 6, 1995, October 18, 1995, November 1, 1995, November 16, 1995, two letters of November 20, 1995, November 21, 1995, November 22, 1995, two letters of November 27, 1995, November 30, 1995, December 8, 1995, and December 28, 1995. The proposed action will replace the existing Ginna Technical Specifications (TSs) in their entirety with a new set of TSs based on Revision 1 to NUREG-1431, "Standard Technical Specifications Westinghouse Plants," and the existing Ginna TSs.

Enclosure

The Need for the Proposed Action:

It has been recognized that nuclear safety in all plants would benefit from improvement and standardization of TS. The "NRC Interim Policy Statement on Technical Specification Improvements for Nuclear Power Reactors," (52 FR 3788, February 6, 1987) and later the Final Policy Statement (58 FR 39132, July 22, 1993), addressed this need. Subsequently, the Commission's regulations in 10 CFR 50.36 were revised in accordance with the goals stated in the policy statements (60 FR 36953, July 19, 1995). To facilitate the development of individual improved TSs, each reactor vendor owners group (OG) and the NRC staff developed standard TS (STS). For Westinghouse plants, the STS are published as NUREG-1431, and this document was the basis for the new Ginna TS. The NRC Committee to Review Generic Requirements (CRGR) reviewed the STS and made note of the safety merits of the STS and indicated its support of conversion to the STS by operating plants.

Description of the Proposed Change

The proposed revision to the TS is based on NUREG-1431 and on guidance provided in the Final Policy Statement. Its objective is to completely rewrite, reformat, and streamline the existing TS. Emphasis is placed on human factors principles to improve clarity and understanding. The Bases section has been significantly expanded to clarify and better explain the purpose and foundation of each specification. In addition to NUREG-1431, portions of the existing TS were also used as the basis for the ITS. Plant-specific issues (unique design features, requirements, and operating practices) were discussed at length with the licensee, and generic matters with the OG.

The proposed changes from the existing TS can be grouped into four general categories, as follows:

1. Non-technical (administrative) changes, which were intended to make the ITS easier to use for plant operations personnel. They are purely editorial in nature or involve the movement or reformatting of requirements without affecting technical content. Every section of the Ginna TS has undergone these types of changes. In order to ensure consistency, the NRC staff and the licensee have used NUREG-1431 as guidance to reformat the TS and make other administrative changes.
2. Relocation of requirements, which includes items that were in the existing Ginna TS but did not meet the criteria set forth in the Final Policy Statement for inclusion in the TS. In general, the proposed relocation of items in the Ginna TS to the Updated Final Safety Analysis Report (UFSAR), appropriate plant-specific programs, procedures and ITS Bases follows the guidance of the Westinghouse STS (NUREG-1431). Once these items have been relocated by removing them from the TS to licensee-controlled documents, the licensee may revise them under the provisions of 10 CFR 50.59 or other NRC staff-approved control mechanisms which provide appropriate regulatory and procedural means to control changes.
3. More restrictive requirements, which consist of proposed Ginna ITS items that are either more conservative than corresponding requirements in the existing Ginna TS, or are additional restrictions which are not in the existing Ginna TS but are contained in NUREG-1431. Examples of more restrictive requirements include: placing a Limiting Condition for Operation (LCO) on plant equipment that is not required by the present TS to be

operable; more restrictive requirements to restore inoperable equipment; and more restrictive surveillance requirements.

4. Less restrictive requirements, which are relaxations of corresponding requirements in the existing Ginna TS which provided little or no safety benefit and placed unnecessary burdens on the licensee. These relaxations were the result of generic NRC action or other analyses. They have been justified on a case-by-case basis for Ginna as described in the staff's Safety Evaluation (SE) which will be issued with the license amendment.

In addition to the changes described above, the licensee proposed certain changes to the existing TSs that deviated from the STSs in NUREG-1431 and constitute a relaxation of the existing TS. Each of these additional proposed changes is described in the licensee's application and in the staff's Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for a Hearing (60 FR 49636) and Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration, Determination, and Opportunity for a Hearing (60 FR 60371). These changes have been justified on a case-by-case basis for Ginna as described in the staff's SE which will be issued with the license amendment.

Environmental Impacts of the Proposed Action:

The Commission has completed its evaluation of the proposed action and concludes that the proposed TS conversion would not increase the probability or consequences of accidents previously analyzed and would not affect facility radiation levels or facility radiological effluents.

Changes that are administrative in nature have been found to have no effect on technical content of the TS, and are acceptable. The increased clarity and understanding these changes bring to the TS are expected to improve the operator's control of the plant in normal and accident conditions.

Relocation of requirements to other licensee-controlled documents does not change the requirements themselves. Future changes to these requirements may be made by the licensee under 10 CFR 50.59 or other NRC-approved control mechanisms, which ensures continued maintenance of adequate requirements. All such relocations have been found to be in conformance with 10 CFR 50.36, the guidelines of NUREG-1431 and the Final Policy Statement, and, therefore, to be acceptable.

Changes involving more restrictive requirements have been found to be acceptable.

Changes involving less restrictive requirements have been reviewed individually. When requirements have been shown to provide little or no safety benefit or to place unnecessary burdens on the licensee, their removal from the TS was found to be justified. In most cases, relaxations previously granted to individual plants on a plant-specific basis were the result of a generic NRC action, or of agreements reached during discussions with the OG and found to be acceptable for Ginna. Generic relaxations contained in NUREG-1431 as well as proposed deviations from NUREG-1431 have also been reviewed by the NRC staff and have been found to be acceptable.

In summary, the proposed revision to the TS was found to provide control of plant operations such that reasonable assurance will be provided that the health and safety of the public will be adequately protected.

These TS changes will not increase the probability or consequences of accidents, no changes are being made in the types of any effluent that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed TS amendment. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action involves features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

Alternatives to the Proposed Action:

Since the Commission has concluded there is no measurable environmental impact associated with the proposed amendment, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed action, the staff considered denial of the proposed action. Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources:

This action did not involve the use of any resources not previously considered in the Final Environmental Statement related to the operation of the Ginna Nuclear Power Plant.

Agencies and Persons Consulted:

In accordance with its stated policy, on December 20, 1995, the staff consulted with the New York State official, Mr. F. William Valentino, State Liaison Officer of the New York State Energy Research and Development Authority, regarding the environmental impact of the proposed action. The state official had no comments.

FINDING OF NO SIGNIFICANT IMPACT

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed amendment.

For further details with respect to this action, see the licensee's letters dated May 26, 1995, and supplemental letters dated July 17, 1995, August 14, 1995, August 31, 1995, September 18, 1995, October 6, 1995, October 18, 1995, November 1, 1995, November 16, 1995, two letters of November 20, 1995, November 21, 1995, November 22, 1995, two letters of November 27, 1995, November 30, 1995, December 8, 1995, and December 28, 1995, which are available for public inspection at the Commission's Public Document

Room, The Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Rochester Public Library, 115 South Avenue, Rochester, NY 14610.

Dated at Rockville, Maryland, this 16th day of January 1996.

FOR THE NUCLEAR REGULATORY COMMISSION



Ledyard B. Marsh, Director
Project Directorate I-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

January 16, 1996

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

SUBJECT: ENVIRONMENTAL ASSESSMENT AND FINDING OF NO SIGNIFICANT IMPACT FOR
THE CONVERSION OF THE TECHNICAL SPECIFICATIONS TO THE IMPROVED
TECHNICAL SPECIFICATIONS - R. E. GINNA NUCLEAR POWER PLANT
(TAC NO. M89516)

Dear Dr. Mecredy:

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This assessment is being forwarded to the Office of the Federal Register for publication.

Sincerely,

A handwritten signature in black ink that reads "Allen R. Johnson". The signature is written in a cursive style and is positioned above the typed name.

Allen R. Johnson, Project Manager
Project Directorate I-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket No. 50-244

Enclosure: Environmental Assessment

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Docket File



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

December 1, 1995

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

SUBJECT: R. E. GINNA - NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE, PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING IMPLEMENTATION OF 10 CFR PART 50, APPENDIX J, OPTION B (TAC NO. M94142)

Dear Dr. Mecredy:

The Commission has requested the Office of the Federal Register to publish the enclosed "Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing." This notice relates to your application for amendment dated November 27, 1995, which would revise the Technical Specifications to implement 10 CFR Part 50, Appendix J, Option B (new rule).

Sincerely,

Allen Johnson
Allen Johnson, Project Manager
Project Directorate I-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket No. 50-244

Enclosure: As stated

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December 1, 1995

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

SUBJECT: R. E. GINNA - NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE, PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING IMPLEMENTATION OF 10 CFR PART 50, APPENDIX J, OPTION B (TAC NO. M94142)

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Sincerely,
Original signed by:
Allen Johnson, Project Manager
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Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket No. 50-244

Enclosure: As stated

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Dr. Robert C. Mecredy

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UNITED STATES NUCLEAR REGULATORY COMMISSION

R. E. GINNA NUCLEAR POWER PLANT

DOCKET NO. 50-244

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO
FACILITY OPERATING LICENSE, PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION, AND OPPORTUNITY FOR A HEARING

The U.S. 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 operation of the R. E. Ginna Nuclear Power Plant located in Wayne County, New York.

The proposed amendment would revise the Ginna Station Technical Specifications (TSs) to implement the amended regulation 10 CFR Part 50; Appendix J, Option B (new rule), to provide a performance based option for leakage-rate testing of containment.

The proposed amendment would revise the current TSs (CTSs) and License, Item 2.D, which contains four exemptions to 10 CFR Part 50, Appendix J, Option A, which are proposed to be removed:

- a. exemption from Section III.A.4(a) with respect to the maximum allowable leakage rate for reduced pressure tests;
- b. exemption from Section III.B.1 with respect to the acceptable technique for performing local Type B leakage rate tests;
- c. exemption from Section III.D.1 for scheduling of containment integrated leakage rate tests with respect to the 10-year inservice inspection (ISI); and

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- d. exemption from Section III.D.2 with respect to the testing interval of containment airlocks.

The proposed amendment would implement Option B as part of the implementation of the improved standard TSs (ISTs) which are currently undergoing NRC staff review (submittal of May 26, 1995).

The amendment proposes to add a specific reference to Regulatory Guide 1.163, "Performance-Based Containment Leak-Test Program" in the Administrative Controls section of the Ginna Station TSs. No exceptions to the regulatory guide, nor the documents which are endorsed by the regulatory guide, are being requested. The licensee does not propose to deviate from methods approved by the Commission and endorsed in a regulatory guide.

The amendment proposes that a detailed performance-based leakage-test program will be available for NRC inspection upon implementation of the ISTs for the Ginna Station.

Before 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 the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee

has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed changes to the Ginna Station Technical Specifications [...] have been evaluated with respect to 10 CFR 50.92(c) and shown to not involve a significant hazards consideration as described below. This evaluation is organized into the 4 categories [...].

C.1 Evaluation of More Restrictive Changes

The more restrictive changes [...] do not involve a significant hazards consideration as discussed below:

1. Operation of Ginna Station in accordance with the proposed changes does not involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed changes provide more stringent requirements for operation of the facility. These more stringent requirements do not result in operation that will increase the probability of initiating an analyzed event and do not alter assumptions relative to mitigation of an accident or transient event. The more restrictive requirements continue to ensure that process variables, structures, systems, and components are maintained consistent with the safety analyses and licensing basis. Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously analyzed.
2. Operation of Ginna Station in accordance with the proposed changes does not create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed changes do not involve a physical alteration of the plant (i.e., no new or different type of equipment will be installed) or changes in the methods governing normal plant operation. The proposed changes do impose different requirements. However, these changes are consistent with assumptions made in the safety analysis and licensing basis. Thus, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.
3. Operation of Ginna Station in accordance with the proposed changes does not involve a significant reduction in a margin of safety. The imposition of more restrictive requirements either has no impact or increases the margin of plant safety. Each change in this category is, by definition, providing additional restrictions to enhance plant safety. The change maintains requirements within safety analyses and licensing bases. Therefore, this change does not involve a significant reduction in a margin of safety.

Based upon the above information, it has been determined that the proposed administrative changes to the Ginna Station Technical Specifications do not involve a significant increase in the probability or consequences of an accident previously evaluated, does not create the possibility of a new or different kind of accident previously evaluated, and does not involve a significant reduction in a margin of safety. Therefore, it is concluded that the proposed changes meet the requirements of 10 CFR 50.92(c) and do not involve a significant hazards consideration.

C.2 Evaluation of Less Restrictive Changes

The less restrictive changes [...] do not involve a significant hazards consideration as discussed below:

1. Operation of Ginna Station in accordance with the proposed changes does not involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed changes are all consistent with NRC requirements and guidance for implementation of Option B. Based on industry and NRC evaluations performed in support of developing Option B, these changes potentially result in a minor increase in the consequences of an accident previously evaluated due to the increased testing intervals. However, the proposed changes do not result in an increase in the core damage frequency since the containment system is used for mitigation purposes only. The changes are also expected to result in increased attention on components with poor leakage test history as part of the performance-based nature of Option B such that the marginally increased consequences from the expanded testing intervals may be further reduced or negated. Therefore, these changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.
2. Operation of Ginna Station in accordance with the proposed changes does not create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed changes do not involve a physical alteration of the plant (i.e., no new or different type of equipment will be installed) nor alter the function of the containment system. The changes only provide for additional time between tests and revised acceptance and testing criteria for leakage tests which remain consistent with the accident analysis bases. Thus, these changes do not create the possibility of a new or different kind of accident from any previously evaluated.
3. Operation of Ginna Station in accordance with the proposed changes does not involve a significant reduction in a margin of safety. The proposed changes do not alter the manner in which safety limits, limiting safety system setpoints, or limiting conditions for operation are determined. Instead, the changes are expected to

result in an increased focus on components demonstrating poor leakage test history without excessive testing of components which continue to demonstrate good test history. Therefore, these changes do not involve a significant reduction in a margin of safety.

Based upon the above, it has been determined that the proposed less restrictive changes to the Ginna Station Technical Specifications do not involve a significant increase in the probability or consequences of an accident previously evaluated, does not create the possibility of a new or different kind of accident previously evaluated, and does not involve a significant reduction in a margin of safety. Therefore, it is concluded that the proposed changes meet the requirements of 10 CFR 50.92(c) and do not involve a significant hazards consideration.

C.3 Evaluation of Administrative Changes

The administrative changes [...] do not involve a significant hazards consideration as discussed below:

1. Operation of Ginna Station in accordance with the proposed changes does not involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed changes involve either: (1) the relocation of requirements within the Technical Specifications to support consolidation of similar requirements, (2) the reformatting or rewording of the existing Technical Specifications to provide consistency with 10 CFR [Part] 50, Appendix J, Option B or NRC implementing guidance, or (3) minor changes to the Technical Specifications such that the changes do not involve any technical nature. As such, these changes are administrative in nature and does not impact initiators or analyzed events or assumed mitigation of accident or transient events. Therefore, these changes do not involve a significant increase in the probability or consequences of an accident previously analyzed.
2. Operation of Ginna Station in accordance with the proposed changes does not create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed changes do not involve a physical alteration of the plant (i.e., no new or different type of equipment will be installed) or changes in the methods governing normal plant operation. The proposed changes will not impose any new or different requirements. Thus, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.
3. Operation of Ginna Station in accordance with the proposed changes does not involve a significant reduction in a margin of safety. The proposed changes will not reduce a margin of plant safety because the changes do not impact any safety analysis assumptions. These changes are administrative in nature. As such, no question of

safety is involved, and the change does not involve a significant reduction in a margin of safety.

Based upon the above information, it has been determined that the proposed administrative changes to the Ginna Station Technical Specifications do not involve a significant increase in the probability or consequences of an accident previously evaluated, does not create the possibility of a new or different kind of accident previously evaluated, and does not involve a significant reduction in a margin of safety. Therefore, it is concluded that the proposed changes meet the requirements of 10 CFR 50.92(c) and do not involve a significant hazards consideration.

C.4 Evaluation of Removed or Deleted Requirements

The removed or deleted requirements discussed in Section B.4 do not involve a significant hazards consideration as discussed below:

1. Operation of Ginna Station in accordance with the proposed changes does not involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed changes only involve the removal or deletion of requirements which are duplicated in 10 CFR [Part] 50, Appendix J, Option B, Regulatory Guide [RG] 1.163 as referenced in the Technical Specifications, or NEI [Nuclear Energy Institute] 94-01 and ANSI/ANS 56.8-1994 (as endorsed by RG 1.163). As such, this change is not technical in nature and does not impact initiators or analyzed events or assumed mitigation of accident or transient events. Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously analyzed.
2. Operation of Ginna Station in accordance with the proposed changes does not create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed changes do not involve a physical alteration of the plant (i.e., no new or different type of equipment will be installed) or changes in the methods governing normal plant operation. The proposed changes will not impose any new or different requirements. Thus, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.
3. Operation of Ginna Station in accordance with the proposed changes does not involve a significant reduction in a margin of safety. The proposed changes will not reduce a margin of plant safety because the deleted requirements are still retained in other regulatory documents that cannot be changed without prior NRC review and approval. As such, no question of safety is involved, and the change does not involve a significant reduction in a margin of safety.

Based upon the above information, it has been determined that the proposed changes to the Ginna Station Technical Specifications do not involve a significant increase in the probability or consequences of an accident previously evaluated, does not create the possibility of a new or different kind of accident previously evaluated, and does not involve a significant reduction in a margin of safety. Therefore, it is concluded that the proposed changes meet the requirements of 10 CFR 50.92(c) and do not involve a significant hazards consideration.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the FEDERAL REGISTER a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission,

Washington, DC 20555, and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By January 8, 1996, 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 request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition 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. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Rochester Public Library, 115 South Avenue, Rochester, NY 14610. 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.

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 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 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 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. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on

which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. 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.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch,

or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Ledyard B. Marsh, Director, Project Directorate I-1: 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 Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Nicholas S. Reynolds, Winston and Strawn, 1400 L St. NW., Washington, DC 20005, 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 the 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 November 27, 1995, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street,

NW., Washington, DC, and at the local public document room located at the Rochester Public Library, 115 South Avenue, Rochester, NY 14610.

Dated at Rockville, Maryland, this 1st day of December 1995.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in cursive script that reads "Allen R. Johnson". The signature is written in black ink and is positioned above the typed name.

Allen R. Johnson, Project Manager
Project Directorate I-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation