

September 13, 2002

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

SUBJECT: DETERMINATION OF ACCEPTABILITY AND SUFFICIENCY FOR
DOCKETING, PROPOSED REVIEW SCHEDULE, AND OPPORTUNITY FOR A
HEARING REGARDING AN APPLICATION FROM ROCHESTER GAS AND
ELECTRIC CORPORATION FOR RENEWAL OF THE OPERATING LICENSE
FOR THE R. E. GINNA NUCLEAR POWER PLANT

Dear Dr. Mecredy:

On August 1, 2002, the staff of the U.S. Nuclear Regulatory Commission (NRC) received your application for the renewal of Operating License DPR-18 for the R. E. Ginna Nuclear Power Plant (Ginna Station). Notice of receipt of these applications was published in the *Federal Register* on August 26, 2002 (67 FR 54825).

The NRC staff has determined that the Rochester Gas and Electric Corporation has submitted sufficient information that is acceptable for docketing, in accordance with 10 CFR 54.19, 54.21, 54.22, 54.23, and 51.53(c). However, the staff's determination does not preclude requests for additional information as the review proceeds.

This letter forwards the staff's safety and environmental review schedule for the Ginna Station application (Enclosure 1). The NRC staff will follow established review procedures and the enclosed schedule to complete the safety and environmental reviews required by 10 CFR Parts 54 and 51, respectively. This schedule has been established in accordance with a 30-month review plan, which includes time for the conduct of a hearing, should a hearing be requested and granted. Milestones for hearing activities are not included in the enclosed schedule because those dates are established by the Commission and the Atomic Safety and Licensing Board.

I would like to stress that this is a very ambitious schedule and the staff will make every effort to meet or exceed the milestones. We, therefore, request that you inform the staff as early as possible should potential delays arise in your support of the schedule.

Finally, we have also enclosed, for your information, a copy of the notice relating to your application that has been sent to the Office of the Federal Register for publication (Enclosure 2). This notice also provides, in accordance with the provisions of 10 CFR 2.105, the opportunity to request a hearing and to file a petition for leave to intervene.

Dr. Robert C. Mecredy

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If you have any questions regarding this matter, please contact Jack Cushing, the License Renewal Project Manager for the R. E. Ginna Nuclear Power Plant at 301-415-1424.

Sincerely,

/RA/

Pao-Tsin Kuo, Program Director
License Renewal and Environmental Impacts
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

Docket No. 50-244

Enclosures: As stated

cc w/encls: See next page

Dr. Robert C. Mecredy

-2-

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R.E.Ginna License Renewal Schedule

Milestone	Schedule Date
Receive license renewal application	08/01/02
Fed. Register Notice (FRN) published for receipt & availability	08/30/02
FRN published for acceptance/rejection/opportunity hearing	09/30/02
FRN published for intent/environmental scoping meeting	10/09/02
Deadline for filing hearing requests and petitions for intervention	10/30/02
Environmental scoping meeting	11/02
Environmental scoping period ends	12/02
Scoping and screening methodology audit complete	12/13/02
Environmental requests for additional info. (RAIs) issued	01/15/03
Environmental RAI responses received	03/14/03
Safety RAIs issued	03/28/03
Safety RAI responses received	06/12/03
Draft supplemental environmental impact statement (SEIS) issued	06/25/03
FRN published for availability/comment on draft SEIS	07/02/03
Scoping inspection complete	07/03
Public meeting to discuss draft SEIS	08/03
Aging management review inspection complete	09/03
End of draft SEIS comment period	09/03
Safety evaluation report (SER) with open items issued	10/09/03
ACRS Subcommittee meeting on SER with open items	11/03
ACRS Full Committee meeting on SER with open items	11/03
SER open item responses received	12/24/03
Optional final inspection complete	01/04
Final SEIS issued	02/06/04
FRN published for availability of final SEIS	02/13/04
SER issued	03/08/04
Regional Administrator's letter issued	03/19/04
ACRS Subcommittee meeting on SER	04/04
ACRS Full Committee meeting on SER	04/04
ACRS letter issued	04/04
Commission paper with staff recommendations	11/04/04
Commission decision	02/04/05

Note: Milestones associated with any request for hearing and petition(s) for leave to intervene will be established by commission and atomic safety and licensing board actions.

UNITED STATES NUCLEAR REGULATORY COMMISSION
ROCHESTER GAS AND ELECTRIC CORPORATION
R.E. GINNA NUCLEAR POWER PLANT
NOTICE OF ACCEPTANCE FOR DOCKETING OF THE APPLICATION
AND NOTICE OF OPPORTUNITY FOR A HEARING REGARDING RENEWAL OF
FACILITY OPERATING LICENSE NO. DPR 18
FOR AN ADDITIONAL 20-YEAR PERIOD
DOCKET NO. 50-244

The U.S. Nuclear Regulatory Commission (the Commission) is considering an application for the renewal of Operating License No. DPR-18, which authorizes Rochester Gas and Electric Corporation to operate R. E. Ginna Nuclear Power Plant, at 1520 megawatts thermal. The renewed licenses would authorize the applicant to operate the R. E. Ginna Nuclear Power Plant for an additional 20 years beyond the period specified in the current licenses. The current operating license for R. E. Ginna Nuclear Power Plant expires on September 18, 2009.

On August 1, 2002, the Commission received an application from Rochester Gas and Electric Corporation to renew the operating license for the R. E. Ginna Nuclear Power Plant. A Notice of Receipt of Application, "R. E. Ginna Nuclear Power Plant Notice of Receipt of Application for Renewal of Facility Operating License No. DPR-18 for an Additional 20-year Period," was published in the FEDERAL REGISTER on August 26, 2002, (67 FR 54825).

The Commission's staff (the staff) has determined that Rochester Gas and Electric Corporation has submitted information in accordance with 10 CFR 54.19, 54.21, 54.22, 54.23,

and 51.53(c) that is complete and acceptable for docketing. The current Docket No. 50-244, for Operating License No. DPR-18, will be retained. The docketing of the renewal application does not preclude requesting additional information as the review proceeds, nor does it predict whether the Commission will grant or deny the application.

Before issuance of each requested renewed license, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. In accordance with 10 CFR 54.29, the Commission will issue a renewed license on the basis of its review if it finds that actions have been identified and have been or will be taken with respect to (1) managing the effects of aging during the period of extended operation on the functionality of structures and components that have been identified as requiring aging management review, and (2) time-limited aging analyses that have been identified as requiring review, such that there is reasonable assurance that the activities authorized by the renewed license will continue to be conducted in accordance with the current licensing basis (CLB) and that any changes made to the plant's CLB comply with the Act and the Commission's regulations.

Additionally, in accordance with 10 CFR 51.95(c), the Commission will prepare an environmental impact statement that is a supplement to NUREG-1437, "Generic Environmental Impact Statement for License Renewal of Nuclear Power Plants" (May 1996). Pursuant to 10 CFR 51.26, and as part of the environmental scoping process, the staff intends to hold a public scoping meeting. Detailed information regarding this meeting will be included in a future FEDERAL REGISTER notice. The Commission also intends to hold public meetings to discuss the license renewal process and the schedule for conducting the review. The Commission will provide prior notice of these meetings. As discussed further herein, in the event that a hearing is held, issues that may be litigated will be confined to those pertinent to the foregoing.

Within 30 days from the date of publication of this FEDERAL REGISTER notice, the applicant may file a request for a hearing, 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 with respect to the renewal of the licenses in accordance with the provisions of 10 CFR 2.714.

The most recent version of Title 10 of the *Code of Federal Regulations*, published January 1, 2002, inadvertently omitted the last sentence of 10 CFR 2.714(d) and subparagraphs (d)(1) and (2), regarding petitions to intervene and contentions. Those provisions are extant and still applicable to petitions to intervene. Those provisions are as follows:

In all other circumstances, such ruling body or officer shall, in ruling on--

(1) A petition for leave to intervene or a request for hearing, consider the following factors, among other things: (i) The nature of the petitioner's right under the Act to be made a party to the proceeding. (ii) The nature and extent of the petitioner's property, financial, or other interest in the proceeding. (iii) The possible effect of any order that may be entered in the proceeding on the petitioner's interest.

(2) The admissibility of a contention, refuse to admit a contention if: (i) The contention and supporting material fail to satisfy the requirements of paragraph (b)(2) of this section; or (ii) The contention, if proven, would be of no consequence in the proceeding because it would not entitle petitioner to relief.

Interested persons should consult a current copy of 10 CFR 2.714, which is available at the Commission's Public Document Room (PDR), 11555 Rockville Pike (first floor) Rockville,

Maryland, and on the Commission's Web site at <http://www.nrc.gov> (the Public Electronic Reading Room). If a request for a hearing or a 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(s) and/or petition(s), and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order. In the event that no request for a hearing or petition for leave to intervene is filed by the above date, the Commission may, upon completion of its evaluations and upon making the findings required under 10 CFR Parts 51 and 54, renew the licenses without further notice.

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, taking into consideration the limited scope of matters that may be considered pursuant to 10 CFR Parts 51 and 54. The petition must 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 that may be entered in the proceeding on the petitioner's interest. The petition must 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 before 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 before the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene that must include a list of the contentions that the petitioner seeks to have litigated in the hearing. 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 each contention and a concise statement of the alleged facts or the expert opinion that supports 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. The 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 action under consideration. The contention must be one that, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement that 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.

Requests for a hearing and petitions for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's PDR, located at One White Flint North, 11555 Rockville Pike (first floor),

Rockville, Maryland, by the above date. Because of the continuing disruptions in delivery of mail to United States Government offices, it is requested that petitions for leave to intervene and requests for hearing be transmitted to the Secretary of the Commission either by means of facsimile transmission to 301-415-1101 or by e-mail to hearingdocket@nrc.gov. A copy of the request for leave to intervene and request for hearing should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and because of continuing disruptions in delivery of mail to United States Government offices, it is requested that copies be transmitted either by means of facsimile transmission to 301-415-3725 or by e-mail to OGCMailCenter@nrc.gov. A copy of the request for hearing and petition for leave to intervene should also be sent to Dr. Robert C. Mecredy, Vice President, Nuclear Operations, Rochester Gas and Electric Corporation, 89 East Avenue, Rochester, New York 14649.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions, and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer, or the 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).

Detailed information about the license renewal process can be found on the Commission's Web page at <http://www.nrc.gov>. A copy of the application is available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, or on the NRC Web site at <http://www.nrc.gov/reactors/operating/licensing/renewal/applications/ginna.html>, while the application is under review. The staff has verified that a copy of the license renewal application

for the R. E. Ginna Nuclear Power Station is also available to local residents at the Rochester Public Library in Rochester, New York, and at the Ontario Public Library in Ontario, New York.

Dated at Rockville, Maryland, this 13th day of September, 2002.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Pao-Tsin Kuo, Program Director
License renewal and Environmental Impacts Program
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

R.E. Ginna Nuclear Power Plant

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