

## **Appendix E**

### **R.E. Ginna Nuclear Power Plant Compliance Status and Consultation Correspondence**

## Appendix E

### R.E. Ginna Nuclear Power Plant Compliance Status and Consultation Correspondence

1 Correspondence received during the evaluation process of the application for renewal of the  
2 operating license for R.E. Ginna Nuclear Power Plant is identified in Table E-1. Copies of the  
3 correspondence are included at the end of this appendix.  
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5 The licenses, permits, consultations, and other approvals obtained from Federal, State,  
6 regional, and local authorities for Ginna are listed in Table E-2.  
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8 **Table E-1. Consultation Correspondence**  
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| 10 | Source                          | Recipient                         | Date of Letter    |
|----|---------------------------------|-----------------------------------|-------------------|
| 11 | New York State Department of    | Rochester Gas and Electric        | October 31, 2001  |
| 12 | Parks, Recreation, and Historic | Corporation (D. J. Mooney)        |                   |
| 13 | Preservation (R. L. Pierpont)   |                                   |                   |
| 14 | U.S. Nuclear Regulatory         | U.S. Fish and Wildlife Service    | November 27, 2002 |
| 15 | Commission (P. T. Kuo)          | (D. A. Stilwell)                  |                   |
| 16 | U.S. Nuclear Regulatory         | National Marine Fisheries Service | December 2, 2002  |
| 17 | Commission (P. T. Kuo)          | (P. A. Kurkul)                    |                   |
| 18 | U.S. Fish and Wildlife Service  | U.S. Nuclear Regulatory           | January 6, 2003   |
| 19 | (D. A. Stilwell)                | Commission (P. T. Kuo)            |                   |
| 20 | New York State Department of    | U.S. Nuclear Regulatory           | February 26, 2003 |
| 21 | Environmental Conservation      | Commission (R. Schaaf)            |                   |
| 22 | (K. Merchant)                   |                                   |                   |

**Table E-2.** Federal, State, Local, and Regional Licenses, Permits, Consultations, and Other Approvals for the R.E. Ginna Nuclear Power Plant

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| Agency   | Authority  | Description   | Number  | Expiration Date | Remarks  |
|--|--|---|---|-----------------|--|
| NRC  | 10 CFR Part 50   | Operating license, Ginna  | DPR-18  | 09/18/2009      | Authorizes operation of Plant.   |
| FWS  | Endangered Species Act, Section 7 (33 U.S.C. 1341)                     | Consultation  |   |                 | FWS letter included in Appendix E.   |
| New York State Office of Parks, Recreation and Historic Preservation | Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) | Consultation  | Letter from Ruth Pierpoint, Historic Preservation Field Services Bureau to RG&E, 10/31/2001 |                 | The National Historic Preservation Act requires Federal agencies to take into account the effect of any undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register of Historic Places. The New York State Office of Parks, Recreation and Historic Preservation, Historic Preservation Field Services Bureau determined that renewal of the Ginna OL will have No Effect upon cultural resources in or eligible for inclusion in the National Register of Historic Places. |
| U.S. Department of Transportation                                    | 49 CFR Part 107, Subpart G   | Certificate of Registration for Transportation of Hazardous Materials | 062002550003K   | 06/30/2008      | Transportation of hazardous materials  |

**Table E-2. (contd)**

|  | <b>Agency</b>   | <b>Authority</b>  | <b>Description</b>  | <b>Number</b>   | <b>Expiration Date</b>  | <b>Remarks</b>  |
|--|---|---|---|---|---|---|
| 1<br>2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10                | June 2003<br><br>New York State Department of State<br>NYSDEC<br>NYSDEC<br>NYSDEC<br>NYSDEC<br>NYSDEC | <br>Federal Coastal Zone Management Act (16 USC 1451 et seq.)<br>NYS ECL Article 40<br>NYS ECL Part 675<br>NYS ECL 11-0515 (1), NYCRR Part 175<br>Clean Water Act, Section 402 (33 USC 1341); NYS ECL Title 8 of Article 17<br>Clean Water Act, Section 401 (33 USC 1341); NYS ECL Title 8 of Article 17  | <br>Consistency Determination<br>Hazardous Substance Bulk Storage Registration Certificate<br>Water Withdrawal Registration<br>New York State Fish and Wildlife License<br>State Pollution Discharge Elimination System (SPDES) Permit<br>401 Certification | <br><br>8-000170<br>NYGLWR-0002810<br>LCP01-756<br>NY-0000493<br>NA | <br><br>Submitted on 07/30/2002<br>07/18/2003<br>07/10/2002<br>12/31/2002<br>02/01/2008<br>Application submitted 10/07/2002 | <br>State must concur with or object to the applicant's certification.<br><br>Water withdrawal from Lake Ontario/Renewal submitted 6/24/02.<br>Collection and possession of fish and wildlife.<br>Documents compliance with CWA standards; Discharge of wastewaters to waters of the State.<br>Compliance with CWA. Certification expected during 2003. |
| 11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21 | Draft NUREG-1437, Supplement 14   | CFR - Code of Federal Regulations<br>FWS - U.S. Fish and Wildlife Service<br>SPDES - State Pollutant Discharge Elimination System<br>NRC - U.S. Nuclear Regulatory Commission<br>NYCRR - New York Code of Rules and Regulations<br>NYS - New York State<br>NYS ECL - New York State Environmental Conservation Law<br>NYSDEC - New York State Department of Environmental Conservation<br>NYSDOS - New York State Department of State<br>USC - United States Code |   |   |   |   |



**New York State Office of Parks, Recreation and Historic Preservation**  
 Historic Preservation Field Services Bureau  
 Peebles Island, PO Box 189, Watford, New York 12188-0189

518-237-8643

October 31, 2001

Dennis J. Mooney  
 Principal Environmental Analyst  
 Rochester Gas and Electric Corporation  
 89 East Avenue  
 Rochester, New York 14649-0001

Dear Mr. Mooney:

Re: NRC  
 Ginna Nuclear Power Plant/2640 Lake  
 Rd/Extend License  
 Ontario/Wayne County  
 01PR5031

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We have reviewed the project in accordance with Section 106 of the National Historic Preservation Act of 1966.

Based upon our review, it is the SHPO's opinion that your project will have No Effect upon cultural resources in or eligible for inclusion in the National Register of Historic Places.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

Ruth L. Pierpont  
 Director

RLP: cmp

November 27, 2002

Mr. David A. Stilwell  
Field Supervisor,  
U.S. Fish and Wildlife Service  
3817 Luker Road  
Cortland, NY 13045

SUBJECT: R.E. GINNA NUCLEAR POWER PLANT APPLICATION FOR OPERATING  
LICENSE RENEWAL

Dear Mr. Stilwell:

The U.S. Nuclear Regulatory Commission (NRC) is reviewing an application for the renewal of the operating license for the R.E. Ginna Nuclear Power Plant (Ginna), located in the Town of Ontario, Wayne County, New York. As part of the review of the license renewal application, the NRC is preparing a Supplemental Environmental Impact Statement (SEIS) which includes analyses of pertinent environmental issues, including endangered or threatened species and impacts to fish and wildlife.

While preparing its application, Rochester Gas and Electric, contacted your office by letter dated 23 January 2002, and your office responded on 25 February, 2002. In the Fish and Wildlife Service (FWS) response letter, it was indicated that there are no known listed or proposed threatened or endangered species, nor candidates for such listing in the vicinity of the Ginna plant, or its associated transmission right-of-way. The NRC reviewed the available information concerning threatened or endangered species that may occur in New York, inspected the Ginna site, and contacted the New York Department of Environmental Conservation concerning New York State listed species. Based on its analysis, the NRC has concluded, that consistent with your determination in your letter of 25 February 2002, that no federally-listed or proposed threatened or endangered species, any candidate for such listing, nor any designated critical habitat for threatened or endangered species are known from the site or the associated transmission corridors. Therefore, the renewal of the license will not effect any Federally protected species.

The NRC requests FWS comment on any aspects of the license renewal application that may fall under other legislation or FWS authority. Such comment is especially important during the scoping period of the environmental review. The NRC has inspected the site and has consulted the National Wetland Database, and has determined that the proposed action will not impact any wetlands. NRC staff has also met with the New York Department of Environmental Conservation concerning potential water use, water quality, fisheries, and other environmental impacts.

D. Stilwell

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Your office will receive a copy of the draft SEIS along with a request for comments when it is published. If you have any questions concerning the R. E. Ginna Nuclear Power Plant, the license renewal application, or other aspects of this project, please contact Mr. Robert SchAAF, Project Manager, at (301) 415-1312 or by email at [RGS@nrc.gov](mailto:RGS@nrc.gov).

Sincerely,

/RA/

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

Docket No.: 50-244

cc: See next page

June 2003

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December 2, 2002

Patricia A. Kurkul, Regional Administrator  
National Marine Fisheries Service  
Northeast Regional Office (NERO)  
One Blackburn Drive  
Gloucester, MA 01930-2298

SUBJECT: APPLICATION FOR RENEWAL OF THE OPERATING LICENSE FOR THE  
R.E. GINNA NUCLEAR POWER PLANT

Dear Ms. Kurkul:

The U.S. Nuclear Regulatory Commission (NRC) is evaluating an application submitted by Rochester Gas and Electric Corporation for the renewal of the operating license for the R.E. Ginna Nuclear Power Plant (Ginna), located on the south shore of Lake Ontario in Wayne County, New York. The NRC is preparing a site-specific supplement to its "Generic Environmental Impact Statement for License Renewal of Nuclear Plants" (NUREG-1437) for this proposed license renewal, for which we are required to evaluate potential impacts to threatened and endangered species.

The proposed action would include use and continued maintenance of existing facilities and transmission lines, and would not result in new construction or disturbance. The Ginna plant and the associated transmission corridor, that is under review as part of the license renewal application, is located in Wayne County, New York. The transmission corridor is approximately 3 ½ miles long and is 500 feet in width. The plant uses once-through cooling water from Lake Ontario to remove waste heat from the facility.

To support the environmental impact statement preparation process, and to ensure compliance with Section 7 of the Endangered Species Act, the NRC requests a list of species and information on protected, proposed, and candidate species and critical habitat that may be in the vicinity of the Ginna plant and its associated transmission lines.

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P. Kurkul

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The NRC requests NMFS comment on any aspects of the license renewal application that may fall under other legislation or NMFS authority. Such comment is especially important during the scoping period of the environmental review. If you have any questions regarding this nuclear facility or the application, please contact Mr. Robert Schaaf, Project Manager, at (301) 415-1312 or by email at [RGS@nrc.gov](mailto:RGS@nrc.gov).

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

cc: See next page

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June 2003



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

3817 Luker Road  
Corland, NY 13045



January 6, 2003

Mr. Pao-Tsin Kuo  
Program Director  
License Renewal and Environmental Impacts Program  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Attention: Mr. Robert Schaaff

Dear Mr. Kuo:

The U.S. Fish and Wildlife Service (Service) has reviewed your letter dated November 27, 2002, regarding the relicensing of the R.E. Ginna Nuclear Power Plant. The applicant, Rochester Gas and Electric (RG&E), proposes to renew the operating license for this facility which will expire December 18, 2009. This project is located in the Town of Ontario, Wayne County, New York.

Your letter requested the Service's comments on aspects of the license renewal that may affect fish and wildlife resources. However, the letter did not indicate when the comment period terminated for this scoping effort. Mr. Robert Schaaff of your office stated comments should be submitted in early January 2003. The applicant and the Nuclear Regulatory Commission (NRC) will review comments and incorporate them into a Supplemental Environmental Impact Statement (SEIS).

It is our understanding from reviewing project documents located on the NRC internet site, that no physical modifications are anticipated to the Ginna facility during the 20-year term of the next license. In addition, no operating changes are proposed at this time. The facility currently generates electricity for sale and distribution in Western New York State.

This report of the Service and the Department of the Interior is submitted for project planning purposes. Comments pursuant to the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) were previously submitted in a letter dated February 25, 2002. We may provide additional comments pursuant to, and in accordance with, provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.) in the future, particularly during the SEIS review period.

Fish entrainment and impingement occurring from power plant water intake systems kill millions of fish every year in New York. The Environmental Report prepared for this project indicates that fish, fish eggs, and larvae entrainment and impingement have been evaluated by the

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applicant and that the problem is not significant. However, the existing entrainment study was completed in 1977 and is too old to accurately reflect current conditions. Considerable changes may have occurred to the lake ecosystem during the 25 years since the study was completed.

Additional information is required to reflect the current biological conditions of Lake Ontario.

The applicant should conduct a multi-seasonal study which involves the collection of representative ichthyoplankton data from the water intake system. This study should focus on the collection of all fish life stages which are susceptible to entrainment and impingement. Details of the study should be coordinated with this office and the New York State Department of Environmental Conservation (NYSDEC).


To mitigate the effects of impingement and entrainment, the applicant should evaluate measures to reduce fish injury and mortality such as the feasibility of installing a boom which will minimize fish impingement and entrainment of fish eggs and larvae in the cooling water intake structures. A filter boom, such as the Gunderboom System, can prevent fish larvae and eggs from entering the water intake pipes. Fish larvae, eggs, and debris are removed and released downstream of the boom with small bursts of air along the length of the filter. This system is currently being used at three other major power plants in New York and has been determined to be the Best Technology Available, where its use is feasible. We recommend the applicant fully evaluate this system for this facility and document this evaluation in the SEIS.

It is our understanding that erosion is progressing at both ends of the project shoreline. Existing protection measures are not completely effective. The NYSDEC has indicated that a survey is needed to determine the extent of the problem and that remedial action may be necessary. Rochester Gas and Electric should consider the use of measures other than hard structures (i.e. riprap) to control the erosion problem. Instead of hard structures, we recommend that biotechnical erosion controls be used for this project, if feasible. We believe that biotechnical erosion controls are the most effective means to limit erosion and also provide habitat for fish, wildlife, and invertebrates. This technique uses vegetation to control erosion in a buffer between the water and upland (Fuller, 1997). The buffer should extend from the water as far inland as possible. If hard structures are necessary, we believe the applicant could use articulated concrete block or riprap in combination with planting erosion controlling vegetation. This vegetation should include native plant species which will benefit wildlife such as dwarf willow (*Salix cottinif*), grey dogwood (*Cornus racemosa*), silky dogwood (*Cornus amomum*), arrowwood viburnum (*Viburnum dentatum*), and other appropriate species. The use of vegetation will be more beneficial for wildlife and be more aesthetic than bare riprap.

The Service appreciates the opportunity to comment on this project during the scoping process. We hope these comments are useful during your project review. We will continue to work with your agency during the relicensing process and review of the SEIS.

Please contact Timothy Sullivan at 607-753-9334 if there are any questions regarding this letter.

Sincerely,

  
David A. Stilwell  
Field Supervisor

cc: NYSDEC, Avon, NY (Environmental Permits)  
EPA, Water Programs Division, New York, NY

Literature Cited:

Fuller, D.R., 1997. Understanding Living with, & Controlling Shoreline Erosion: A Guidebook for Shoreline Property Owners. Tip of the Mitt Watershed Council, Conway, MI.

Nuclear Regulatory Commission Internet Site at [www.nrc.gov](http://www.nrc.gov)  
Gunderboom, Inc. Internet Site at [www.gunderboom.com](http://www.gunderboom.com)

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June 2003

**New York State Department of Environmental Conservation**  
**Division of Environmental Permits, Region 8**  
6274 East Avon-Lima Road, Avon, New York 14414-9519  
Phone: (585) 226-2466 • FAX: (585) 226-2830  
Website: [www.dec.state.ny.us](http://www.dec.state.ny.us)



February 26, 2003

Mr. Robert Schaaf  
Project Manager  
Office of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission  
Mail Stop o-11F1  
Washington, DC 20555-0001

Re: **Master Habitat Database Report for Wayne County**  
Nuclear Regulatory Commission Operating License Renewal  
RG&E Ginna Nuclear Power Plant

Dear Mr. Schaaf:

Mr. Michael Sackschewsky, of the Battelle National Laboratory, requested a report of the natural resources of concern, including all the threatened, endangered, protected, and rare species, in Wayne County, from our Master Habitat Database. The purpose of this letter is to convey this information. In addition, Mr. Sackschewsky requested a mammal list for Wayne County. We provided him with a New York State mammal list from our web site, however, we do not have a mammal list by county.

I have enclosed two tables; Table 1 includes the sensitivity ranking, the scientific name, the common name, the location, the date of the most recent siting, the element type (animal vs. plant) and the New York State Listing (endangered, threatened, rare, protected, or protected); Table 2 includes the sensitivity ranking, the scientific name and the directions to the site. In addition, I have enclosed a map, generated in ArcView, which shows the Master Habitat Database theme plotted over Wayne County. I have not linked the tables and the map data.

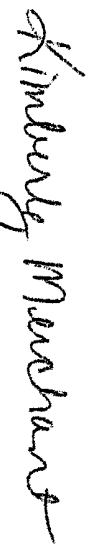
All records which are deemed "sensitive" (a Y is listed under the sensitive column) are highly vulnerable to collection or disturbance. It is the Department's policy to release the location of sensitive sites for specific project review, however, the information on sensitive sites may not be released to other entities. Therefore, if you wish to include the attached tables in any public documents, the "name", "location" and "directions" associated with sensitive species must be removed. For example, if you wish to include the tables in the supplemental environmental impact statement, the information on the sensitive species must be redacted. It is acceptable, however, to release the name of a vulnerable species as long as the location and directions are not provided.

As we have mentioned in previous correspondence, the Natural Habitat Database does not include any "hits" for natural resources of concern at the Ginna Nuclear Power facility site.

For most sites, comprehensive field surveys have not been conducted; the information provided in the tables includes records from our databases. We cannot provide definitive statements on the presence or absence of all rare or state-listed species or natural communities. Therefore, there may be additional species of concern located in Wayne County. We typically recommend on-site surveys for specific project sites.

Please contact me directly if you have any questions regarding the enclosed report.

Sincerely,



Kimberly A. Merchant  
Environmental Analyst 1

Enclosure: Master Habitat Database Report (Table 1, Table 2, Map)

cc with enclosure: M. Sackschewsky, Battelle National Laboratory  
A. Kirsch, NYSDEC, Wildlife  
J. Peek, Forestry, NYSDEC

cc: M. Calaban, Bureau of Habitat, NYSDEC, C.O.  
W. Pearsall, Fisheries, NYSDEC, Region 8  
L. Kuwik, Environmental Permits, NYSDEC, C.O.  
J. Nasca, Environmental Permits, NYSDEC, C.O.  
W. Little, Legal Division, NYSDEC, C.O.  
G. Wrobel, RG&E  
P. Sawyko, RG&E  
V. Barr, NYSDDS  
T. Sullivan, U.S. Fish and Wildlife Service  
A. Peterson, NYSERDA