

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

Correspondence received during the evaluation process of the application for renewal of the operating license for R.E. Ginna Nuclear Power Plant is identified in Table E-1. Copies of the correspondence are included at the end of this appendix.

The licenses, permits, consultations, and other approvals obtained from Federal, State, regional, and local authorities for Ginna are listed in Table E-2.

Table E-1. Consultation Correspondence

Source	Recipient	Date of Letter
New York State Department of Parks, Recreation, and Historic Preservation (R. L. Pierpont)	Rochester Gas and Electric Corporation (D. J. Mooney)	October 31, 2001
U.S. Nuclear Regulatory Commission (P. T. Kuo)	U.S. Fish and Wildlife Service (D. A. Stilwell)	November 27, 2002
U.S. Nuclear Regulatory Commission (P. T. Kuo)	National Marine Fisheries Service (P. A. Kurkul)	December 2, 2002
U.S. Fish and Wildlife Service (D. A. Stilwell)	U.S. Nuclear Regulatory Commission (P. T. Kuo)	January 6, 2003
New York State Department of Environmental Conservation (K. Merchant)	U.S. Nuclear Regulatory Commission (R. Schaaf)	February 26, 2003

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

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)

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

Draft NUREG-1437, Supplement 14



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.

June 2003

D. Stilwell

- 2 -

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.

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

E-6

June 2003

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.

Draft NUREG-1437, Supplement

E-7

June 2003

P. Kurkul

- 2 -

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.

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

E-8

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 Schaff

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 Schaff 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

A092

June 2003

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 coitellii*), 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

Gunderboom, Inc. Internet Site at www.gunderboom.com

Draft NUREG-1437, Suppleme

E-11

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



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 Merchant

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. Bart, NYSDOS
T. Sullivan, U.S. Fish and Wildlife Service
A. Peterson, NYSEERDA