

July 2, 2003

Ms. Kathleen Mitchell
Tribal Historic Preservation Officer
Seneca Nation of Indians
Seneca-Iroquois National Museum
794-814 Broad Street
Salamanca, NY 14799

SUBJECT: R.E. GINNA NUCLEAR POWER PLANT LICENSE RENEWAL REVIEW AND
NATIONAL HISTORIC PRESERVATION ACT, SECTION 106 REVIEW
PROCESS (PROJECT REVIEW OPRHP NO. 01PR5031)

Dear Ms. Mitchell:

The U.S. Nuclear Regulatory Commission (NRC) is evaluating an application submitted by Rochester Gas and Electric Corporation (RG&E) 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. The application was submitted by letter dated July 30, 2002, pursuant to the NRC regulations of Title 10 of the *Code of Federal Regulations*, Part 54 (10 CFR Part 54). The NRC staff has prepared a site-specific supplement to its "Generic Environmental Impact Statement for License Renewal of Nuclear Plants" (GEIS), NUREG-1437, for this licensing action. As part of our review, we consider potential impacts on historic and archaeological resources. We are requesting your comments on the enclosed draft supplement.

The NRC staff contacted nine Native American Tribes identified as having potential interest in the proposed undertaking. We received your e-mail response to our letter on December 11, 2002, in which you stated your concerns with the potential for ground-disturbing activities related to the proposed license renewal. Additionally, your e-mail expressed concerns regarding security, spent fuel storage, and transportation of spent fuel.

The Agency official (the Director, Office of Nuclear Reactor Regulation) has determined that the area of potential effect (APE) for a license renewal action is the area at the power plant site and its immediate environs which may be impacted by post-license renewal land disturbing operation or projected refurbishment activities associated with the proposed action. The staff views the APE for the Ginna license renewal as including the Ginna site and the immediate environs.

RG&E has stated that it does not plan any major refurbishment activity that would result in additional land disturbance in the APE during the extended license period. The NRC staff has conducted a site audit and has discussed the project with the New York State Office of Parks, Recreation, and Historic Properties. These activities identified one structure within the area of potential effect, the Brookwood Manor House, eligible for inclusion in the National Register of Historic Places (NRHP). The NRC staff has determined that current RG&E management of the Manor House appears to be an effective adaptive reuse of the structure that preserves the historic integrity of the building. Based on these considerations, the NRC staff's preliminary

determination is that the proposed undertaking will have no effect on historic or archaeological resources within the APE.

The NRC staff requests the Seneca Nation's comments regarding the staff's conclusions as stated in the draft supplement to the GEIS. To be certain of consideration, comments on the draft supplement must be received by September 16, 2003. The NRC will be holding a public meeting on August 7, 2003, to discuss the preliminary conclusions in the draft supplement, and to accept public comments on the document. Two sessions will be held at the Ontario Fireman's Exempt Hall, 1840 Route 104, Ontario, New York, with the first session commencing at 1:30 p.m. and the second session commencing at 7:00 p.m. Each session will be preceded by a one hour open house for informal discussions with the NRC staff.

Regarding your comments concerning security, the Commission is closely examining the current security and protective framework and has already ordered interim improvements at licensed nuclear facilities, including power reactors. The Commission, however, has determined that issues related to the security at nuclear power plants are current operating issues and are therefore outside the scope of license renewal.

Regarding your comments concerning storage and transportation of spent fuel, the safety and environmental effects of onsite storage and transportation of spent fuel have been evaluated by the NRC generically. As set forth in the Waste Confidence Rule (10 CFR 51.23), the NRC generically determined that such storage could be accomplished without significant environmental impact. In the Waste Confidence Rule, the Commission determined that spent fuel can be stored onsite for at least 30 years beyond the licensed operating life, which may include the term of a renewed license. At or before the end of that period, the fuel will be moved to a permanent repository. The radiological and non-radiological environmental impacts from the transportation of fuel and waste attributable to license renewal of a power reactor were evaluated in Section 6.3 of the GEIS and in Addendum 1 to the GEIS.

If you have any questions or require additional information, please contact the Environmental Project Manager, Robert Schaaf at 301-415-1312 or 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

Enclosure: As stated

cc w/o encl.: See next page

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DATE	6/17/03	7/1/03	7/1/03	6/18/03	7/1/03	7/2/03

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R.E. Ginna Nuclear Power Plant

cc:

Kenneth Kolaczyk, Sr. Resident Inspector
R.E. Ginna Plant
U.S. Nuclear Regulatory Commission
1503 Lake Road
Ontario, NY 14519

Regional Administrator, Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406

Mr. Peter R. Smith, Acting President
New York State Energy, Research,
and Development Authority
17 Columbia Circle
Albany, NY 12203-6399

Charles Donaldson, Esquire
Assistant Attorney General
New York Department of Law
120 Broadway
New York, NY 10271

Daniel F. Stenger
Ballard Spahr Andrews & Ingersoll, LLP
601 13th Street, NW., Suite 1000 South
Washington, DC 20005

Ms. Thelma Wideman, Director
Wayne County Emergency Management
Office
Wayne County Emergency Operations
Center
7336 Route 31
Lyons, NY 14489

Ms. Mary Louise Meisenzahl
Administrator, Monroe County
Office of Emergency Preparedness
1190 Scottsville Road, Suite 200
Rochester, NY 14624

Mr. Paul Eddy
New York State Department of
Public Service
3 Empire State Plaza, 10th Floor
Albany, NY 12223

Mr. Alan P. Nelson
Nuclear Energy Institute
1776 I Street, NW., Suite 400
Washington, DC 20006-3708

George Wrobel
Manager, License Renewal
R.E. Ginna Nuclear Power Plant
1503 Lake Rd.
Ontario, NY 14519

Mr. Denis Wickham
Sr. Vice President Transmission & Supply
Energy East Management Corporation
P.O. Box 5224
Binghamton, NY 13902

Mr. David F. Wilson
R.E. Ginna Nuclear Power Plant
1503 Lake Rd.
Ontario, NY 14519

Ms. Carolyn Johnson
Division Head
Business and Government Division
Rochester Public Library
115 South Avenue
Rochester, NY 14604

William G. Little, Esq.
Division of Legal Affairs
NYS Department of Environmental
Conservation
625 Broadway
Albany, NY 12233-1500

R.E. Ginna Nuclear Power Plant

cc:

Ms. Kimberly Merchant
Division of Environmental Permits
NYS Department of Environmental
Conservation
6274 East Avon-Lima Road
Avon, NY 14414-9519

Ms. Laura Viau
Director
Ontario Public Library
1850 Ridge Road
Ontario, NY 14519

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