

July 2, 2003

Ms. Bernadette Castro
Commissioner
New York State Office of Parks, Recreation,
and Historic Preservation
P.O. Box 189
Peebles Island
Waterford, NY 12188-0189

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 Commissioner Castro:

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. A copy of the draft supplement is provided in Enclosure 1. We are requesting your comments on the draft supplement and on our preliminary conclusions regarding historic properties.

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.

On October 25, 2001, RG&E contacted the New York State Office of Parks, Recreation, and Historic Properties (NYS OPRHP) by letter regarding license renewal at Ginna. On October 31, 2001, the NYS OPRHP responded to the RG&E letter and stated that license renewal will have no effect upon cultural resources in or eligible for inclusion in the National Register of Historic Places (NRHP). A follow up letter was issued on January 23, 2002, from RG&E to your office, in which, RG&E advised that there will be no new operational or refurbishment activities for the period of the proposed extended operations, and enclosed prior NYS OPRHP correspondence.

The NRC staff has conducted an environmental audit at the site, reviewed historic and archaeological records, and has discussed the project with Ms. Nancy Todd and Mr. Richard Lord of your office. These activities identified one structure within the APE, the Brookwood

Manor House, eligible for inclusion in the National Register of Historic Places (NRHP). We also contacted nine Native American Tribes identified as having potential interest in the proposed undertaking. The Seneca Nation provided its response by e-mail dated December 11, 2002, (Enclosure 2) and expressed its concerns should RG&E undertake ground-disturbing activities related to the license renewal project.

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. RG&E has indicated that it does not plan any major refurbishment activity that would result in additional land disturbance in the area of potential effect, and we are informing the Seneca Nation of that position. Based on these considerations, the NRC staff's preliminary determination is that the proposed undertaking will have no effect on historic or archaeological resources.

Pursuant to 36 CFR 800.4, please state whether there are any changes to your October 31, 2002, determination. We also request your comments regarding our preliminary determination provided above. On August 7, 2003, the NRC will be holding two public meetings to discuss the preliminary conclusions in the draft Ginna-specific supplement to the GEIS, and to accept public comments on the document. Comments must be received no later than September 16, 2003. The meetings will be held at the Ontario Fireman's Exempt Hall, Ontario, New York with the first session commencing at 1:30 p.m. and the second session commencing at 7:00 p.m.

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

Enclosures: As stated

cc w/o Encl. 1: See next page

From: "Seneca Nation Environmental Protection" <sniepd1@hotmail.com>
To: <GinnaEIS@nrc.gov>
Date: Wed, Dec 11, 2002 3:29 PM
Subject: Comments on 67 FR 63171 - R.E. Ginna Nuclear Power Plant

The Seneca Nation's Tribal Historic Preservation Office (THPO) and the Environmental Protection Department have reviewed the above-referenced materials. As you may be aware, the Seneca Nation has assumed the role of the State Historic Preservation Officer for projects within our territories and lands held by treaty. The THPO also provides reviews and comments for lands within our ancestral territory for the protection of burials, archaeological sites, sacred sites, and traditional cultural properties (see the National Historic Preservation Act (NHPA), Section 106, "Consultation").

The THPO would indeed be a consulting party to the renewal Ginna operating license. Under Section 106 of the NHPA, the THPO has 30 days to respond to a notification of an undertaking. Unfortunately, your November 1 letter to us informed us of a public scoping meeting on November 6 - i.e., 5 days notice. Future consultation with us should occur on a government-to-government basis. The Seneca Nation, being a sovereign entity, will not be classified as the general public (see page 63172, bottom of left column of the Federal Register Notice of Intent). Our comments on the R.E. Ginna Environmental Report and scope of the Environmental Impact Statement are:

The Environmental Impact Statement should analyze the potential impacts to the public and the environment from terrorist attacks on the plant, including the ability of the local, state, and federal emergency management agencies to mitigate the effects of any attack.

The Environmental Impact Statement should analyze the ability of the plant to store its spent nuclear fuel on plant property.

The Environmental Impact Statement should analyze the risks of transporting the spent nuclear fuel to the federal repository. This analysis should include potential truck routes and rail routes, and depending on the routes, should be coordinated with the Seneca Nation regarding the impacts to cultural resources along potential transportation corridors.

Although the State Historic Preservation Office has deemed no effect for the undertaking, the Seneca Nation THPO has concerns with the uncertainty of ground disturbing activities related to the project. The location and the history of the area surrounding Ginna are highly sensitive. The Seneca Nation THPO would like to be consulted, in the earliest planning stages, on any ground disturbing activities that may occur.

Thank you for your attention to our comments.

Kathy Mitchell, THPO
(716) 945-1790, ext. 3454

Lisa Maybee, Director
Environmental Protection Department
(716) 532-2546 ext. 5471

ENCLOSURE 2

Manor House, eligible for inclusion in the National Register of Historic Places (NRHP). We also contacted nine Native American Tribes identified as having potential interest in the proposed undertaking. The Seneca Nation provided its response by e-mail dated December 11, 2002, (Enclosure 2) and expressed its concerns should RG&E undertake ground-disturbing activities related to the license renewal project.

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. RG&E has indicated that it does not plan any major refurbishment activity that would result in additional land disturbance in the area of potential effect, and we are informing the Seneca Nation of that position. Based on these considerations, the NRC staff's preliminary determination is that the proposed undertaking will have no effect on historic or archaeological resources.

Pursuant to 36 CFR 800.4, please state whether there are any changes to your October 31, 2002, determination. We also request your comments regarding our preliminary determination provided above. On August 7, 2003, the NRC will be holding two public meetings to discuss the preliminary conclusions in the draft Ginna-specific supplement to the GEIS, and to accept public comments on the document. Comments must be received no later than September 16, 2003. The meetings will be held at the Ontario Fireman's Exempt Hall, Ontario, New York with the first session commencing at 1:30 p.m. and the second session commencing at 7:00 p.m.

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

Enclosures: As stated

cc w/o Encl. 1: See next page

DISTRIBUTION: See next page

Accession No.: **ML031830927**, 2) Pkg w/NUREG-14: **ML031830949**

* See previous concurrence

DOCUMENT NAME: C:\ORPCheckout\FileNET\ML031830927.wpd

OFFICE	LA:RLEP	GS:RLEP	PM:RLEP	SC:RLEP	OGC <small>(NLOw/comments)</small>	PD:RLEP
NAME	YEdmonds*	JDavis*	RSchaaf*	JTappert*	AFernandez*	PTKuo*
DATE	6/17/03	7/1/03	7/1/03	6/18/03	7/1/03	7/2/03

DISTRIBUTION: Letter to B. Castro, Dated: July 2, 2003

Accession No.: ML

PUBLIC

RLEP R/F

OGC

DMatthews/FGillespie

PTKuo

JTappert

RSchaaf

JDavis

RArrighi

BZalcman

YEdmonds

RClark

BPlatchek, RI

NSheehan, RI

KKolaczyk, RI

DNeitzel (PNNL)

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

Mr. Richard Lord
P.O. Box 189
Peebles Island
Waterford, NY 12188-0189