

June 4, 2004

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

Mr. Michael J. Wallace  
President, Constellation Generation Group  
1997 Annapolis Exchange Parkway  
Suite 500  
Annapolis, MD 21401

SUBJECT: R.E. GINNA NUCLEAR POWER PLANT- ORDER MODIFYING MAY 28, 2004,  
ORDER APPROVING TRANSFER OF LICENSE FROM ROCHESTER GAS  
AND ELECTRIC CORPORATION TO R.E. GINNA NUCLEAR POWER PLANT,  
LLC, AND APPROVING CONFORMING AMENDMENT  
(TAC NO. MC1567)

Dear Messrs. Mecredy and Wallace:

Enclosed is the "Order Modifying May 28, 2004, Order Approving Transfer of License and Conforming Amendment." The May 28, 2004, Order approved the transfer by Rochester Gas and Electric Corporation (RG&E) of its operating authority under the license for the R. E. Ginna Nuclear Power Plant to R. E. Ginna Nuclear Power Plant, LLC (Ginna LLC), a subsidiary of Constellation Generation Group, LLC (CGG).

Condition III.(2) of the May 28, 2004, Order specified that on the closing date Ginna LLC shall obtain from RG&E a minimum of \$201.6 million for decommissioning funding assurance for the facility. This amount was based on a June 30, 2004, closing. By letter dated June 2, 2004, CGG and RG&E informed the Nuclear Regulatory Commission that the closing will occur on June 10, 2004. According to a June 3, 2004, submittal from CGG, the minimum amount that Ginna LLC will obtain from RG&E, based on a June 10, 2004, closing date, is \$200,791,928 under the terms of the agreement of sale between RG&E and Ginna LLC. Accordingly, the enclosed Order Modifying the May 28, 2004, Order changes Condition III.(2).

The May 28, 2004, letter forwarding the Order also approved the conforming amendment, stating that it would be issued and become effective at the time the transfer is consummated. When the amendment is issued, License Condition C.(7).(a) will reflect the above changes as defined by Modified Order Condition III.(2).

R. Mecredy and M. Wallace

- 2 -

The Order Modifying the May 28, 2004, Order has been forwarded to the Office of the Federal Register for publication.

Sincerely,

***/RA/***

Robert L. Clark, Project Manager, Section 1  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-244

Enclosure: Order Modifying May 28, 2004, Order

cc w/encl: See next page

R. Mecredy and M. Wallace

- 2 -

The Order Modifying the May 28, 2004, Order has been forwarded to the Office of the Federal Register for publication.

Sincerely,

**/RA/**

Robert L. Clark, Project Manager, Section 1  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-244

Enclosure: Order Modifying May 28, 2004 Order

cc w/encl: See next page

ADAMS Accession No.: ML041560325

ADM-012

OFFICE	PDI-1\PM	PDI-1\LA	RPRP\SC	OGC	PDI-1\SC	PD\ID	DLPM\D
NAME	RClark	BClayton for SLittle	BThomas	SUttal	RLaufer	CHolden	TMarsh
DATE	06/ 04 /04	06/ 04 /04	06/04/04	06/04/04	06/ 04 /04	06/ 04 /04	06/ 04 /04
OFFICE	ADPT	NRR/D					
NAME	BSheron	JDyer					
DATE	06/ 04 /04	06/ 04 /04					

OFFICIAL RECORD COPY

ORDER MODIFYING MAY 28, 2004 ORDER APPROVING TRANSFER OF FACILITY  
OPERATING LICENSE FOR R. E. GINNA NUCLEAR POWER PLANT

Dated: June 4, 2004

DISTRIBUTION: w/Enclosure

PUBLIC

PDI-1 R/F

RidsNrrOd (JDyer)

RidsNrrAdpt (BSheron)

RidsNrrDlpm (TMARSH)

RidsNrrDlpmLpdi (CHolden)

RidsNrrDlpmLpdi-1 (RLaufer, AHowe)

RidsNrrPMRClark

RidsNrrLASLittle

RidsOgcRp

RidsAcrsAcnwMailCenter

RidsSecyMailCenter

RidsNrrDlpmDpr

RidsRgn1MailCenter (CBixler)

BThomas

DTrimble

RMoody

RPelton

MDusaniwskyj

PBollwerk, ASLBP

GHill (2)

TBergman, EDO

JJolicoeur, EDO

SBurnell, OPA

CC LIST

R. E. Ginna LLC

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

Daniel F. Stenger  
Ballard Spahr Andrews & Ingersoll, LLP  
601 13<sup>th</sup> Street, N.W., Suite 1000 South  
Washington, DC 20005

Samuel Behrends, IV  
Counsel for Rochester Gas and Electric  
Corporation at LeBoeuf, Lamb, Greene  
and MacRae  
1875 Connecticut Avenue, N.W.  
Washington, DC 20009

James M. Petro  
Counsel for Constellation Energy Group  
750 East Pratt Street, 5<sup>th</sup> Floor  
Legal Department  
Baltimore, MD 2101

James R. Curtiss  
Counsel for Constellation Energy Group,  
at Winston & Strawn  
1400 L Street, N.W.  
Washington, DC 20005

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

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

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

Peter R. Smith, 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 13<sup>th</sup> Street, N.W., 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

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
ROCHESTER GAS AND ELECTRIC CORPORATION	)	Docket No. 50-244
	)	
(R. E. Ginna Nuclear Power Plant)	)	

ORDER MODIFYING MAY 28, 2004, ORDER APPROVING TRANSFER OF LICENSE AND CONFORMING AMENDMENT

I.

Rochester Gas and Electric Corporation (RG&E) is the holder of Renewed Facility Operating License No. DPR-18, which authorizes the operation of R. E. Ginna Nuclear Power Plant (Ginna) at steady-state power levels not in excess of 1520 megawatts thermal. The facility is located on the south shore of Lake Ontario, in Wayne County, New York. The license authorizes Ginna to possess, use, and operate the facility.

II.

By Order dated May 28, 2004, the Nuclear Regulatory Commission (NRC or the Commission) approved the transfer of the license for Ginna from RG&E to R. E. Ginna Nuclear Power Plant, LLC (Ginna LLC), a subsidiary of Constellation Generation Group, LLC (CGG). Condition III.(2) of the May 28, 2004, Order specified that on the closing date Ginna LLC shall obtain from RG&E a minimum of \$201.6 million for decommissioning funding assurance for the facility. This amount was based on a June 30, 2004, closing date. By letter dated June 2, 2004, CGG and RG&E informed the NRC that the closing would occur on June 10, 2004. According to a June 3, 2004, submittal from CGG, the minimum amount that Ginna LLC will obtain from RG&E, based on a June 10, 2004, closing date, is \$200,791,928 under the terms of the agreement of sale between RG&E and Ginna LLC.

III.

Accordingly, pursuant to Sections 161b, 161i, and 184 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2201(b), 2201(i), and 2234; and 10 CFR 50.80, IT IS HEREBY ORDERED that Condition III.(2) of the Order Approving Transfer of License and Conforming Amendment dated May 28, 2004, is modified to state:

On the closing date of the transfer of Ginna, Ginna LLC shall obtain from RG&E the greater of (1) \$200,791,928 or (2) the amount necessary to meet the minimum formula amount under 10 CFR 50.75 calculated as of the date of closing for decommissioning funding assurance for the facility, and ensure the deposit of such funds into a decommissioning trust for Ginna established by Ginna LLC.

This Order is effective upon issuance.

For further details with respect to this Order, see the initial application dated December 16, 2003, and supplemental letters from RG&E dated March 26, and April 30, 2004, and from CGG dated February 27, April 30, May 24, June 2, and June 3, 2004, and the Order and Safety Evaluation dated May 28, 2004, which are available for public inspection at the Commission's Public Document Room, located at One White Flint North, File Public Area O1F21, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room link at the NRC Web site (<http://www.nrc.gov>).

Dated at Rockville, Maryland, this 4th day of June 2004.

FOR THE NUCLEAR REGULATORY COMMISSION

*/RA/*

J. E. Dyer, Director  
Office of Nuclear Reactor Regulation