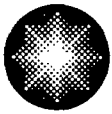


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Constellation Energy

R.E. Ginna Nuclear Power Plant

May 20, 2005

Ms. Donna M. Skay
Office of Nuclear Regulatory Regulation
U.S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington, D.C. 20555

Subject: Partial Site Release
R. E. Ginna Nuclear Power Plant
Docket No. 50-244

Dear Ms. Skay:

Pursuant to 10 CFR 50.83, R.E. Ginna Nuclear Power Plant LLC ("REGNPP" - a subsidiary of Constellation Generation Group, LLC) submits this request for release of non-impacted land from the site of the R. E. Ginna Nuclear Power Plant. This request concerns a tract of land, consisting of two adjacent parcels, comprising a total of approximately 15 acres, located along the far western edge of the Ginna facility site boundary. The land proposed for release is located entirely outside the plant's Exclusion Area. When REGNPP purchased the facility from the former licensee, Rochester Gas and Electric Corporation ("RG&E"), it assumed a contract to attempt to convey this property to a developer for the purpose of family home development, which will provide substantial benefits to the community surrounding the Ginna facility.

Attachment I provides the supporting information for this request in accordance with 10 CFR 50.83(b). It includes the results of Ginna's historical site assessment ("HSA") as well as the more recent confirmatory radiological surveys of the property proposed for release, together with the other required evaluations of the effect of releasing the property. The HSA itself is provided in Attachment IV. These reviews confirmed that the land has no reasonable potential for residual radioactivity in excess of natural background or fallout levels, and thus qualifies as a non-impacted area under 10 CFR 50.83.

REGNPP's evaluation of the effect of releasing the property has confirmed that all applicable regulatory requirements will continue to be met. REGNPP has also confirmed that no change in the Ginna Station operating license or Technical Specifications is necessary as a result of the proposed release of the property. As noted above, the property is located well beyond the plant's Exclusion Area Boundary.

Accordingly, the information provided is sufficient to permit the NRC to make the determinations under 10 CFR 50.83(c) and approve the proposed release of the land from the licensed site.

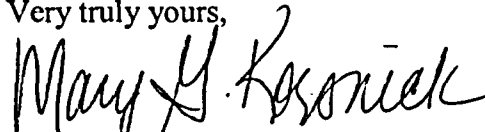
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Our understanding of this process is that a schedule of 5 – 12 months is typical for NRC review. Consequently, REGNPP requests approval of the proposed site release at the shorter end of this duration, by October 20, 2005 or sooner.

Should you have any questions, please contact George Wrobel, Director of Nuclear Safety & Licensing, (585) 771-3535.

Very truly yours,



Mary G. Korsnick

Attachments

cc: Ms. Donna M. Skay (Mail Stop O-8-C2)
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w/o Attachment 2:

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U.S. NRC Ginna Senior Resident Inspector

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ATTACHMENT I

SUPPORTING INFORMATION FOR PROPOSED PARTIAL SITE RELEASE

BACKGROUND

During its acquisition of the Ginna facility in June 2004, R.E. Ginna Nuclear Power Plant LLC ("REGNPP") assumed a Purchase and Sale Contract dated September 10, 2002, as amended, to convey a tract of land, comprising approximately 15 acres, located along the western edge of the Ginna Station site boundary. Pursuant to the agreement, REGNPP intends to sell the property to Mr. Nicholas D'Angelo, a real estate developer in the Greater Rochester, New York area. The purpose of the sale is to permit the development of the land for residential use.

Pursuant to 10 CFR 50.83, REGNPP seeks NRC approval of the release of this non-impacted property from the jurisdiction of the NRC operating license (Operating License No. DPR-18) in order to facilitate its development. As detailed below, REGNPP has performed a historical site assessment (HSA) and confirmatory radiological surveys, along with the other evaluations required by 10 CFR 50.83. REGNPP's reviews confirm that the property qualifies for classification as a non-impacted area and that the release of the property will have no adverse impact on public health and safety. Accordingly, the NRC should approve the release of the property in accordance with 10 CFR 50.83.

DESCRIPTION OF PROPOSED RELEASE OF PROPERTY

The 15 acres of land proposed for release are located along the western edge of the Ginna facility's site boundary, as shown on the site map enclosed as Attachment II. The property is bordered on the North by Lake Ontario and on the South by Lake Road, the main road in the immediate vicinity of the Ginna plant. The legal description of this property is provided in Attachment III. The property lies entirely outside the Exclusion Area for Ginna Station. At the closest point, the property is some 3,600 feet from the Exclusion Area Boundary.

Currently, this land primarily consists of undisturbed wooded areas, as well as apple orchards and grain fields. Following the proposed sale, Mr. D'Angelo will develop the land for residential use which will provide substantial benefits to the community surrounding the plant in terms of construction, employment and housing.

SCHEDULE FOR PROPOSED RELEASE

The parties would like to complete the sale of the property as soon as reasonably practicable following NRC approval of the proposed partial site release. Accordingly, REGNPP requests NRC approval by October 20, 2005.

HISTORICAL SITE ASSESSMENT SUMMARY

In accordance with 10 CFR 50.83, REGNPP has performed an HSA of the property to be released as provided in Attachment IV. The HSA included reviews of plant events since the start of site activities, reviews of site files and monitoring data, and interviews with plant personnel. This review confirmed that the tract of land proposed for release qualifies for classification as non-impacted under 10 CFR 50.83.

In July 2003, the Ginna Chemistry Department performed a radiological environmental assessment. Field samples were collected on the subject property for testing for the presence of radioactive materials. These field samples included apples, grass, lake water, and lake vegetation. The results were negative for radioactivity attributable to the operation of Ginna facility. Only naturally occurring radionuclides, and trace amounts of CS-137 at levels consistent with fallout from atmospheric weapons tests, consistent with normal background samples throughout western New York, were detected. A further assessment was performed in May 2005 to confirm this assessment was applicable to soil specimens, and an identical conclusion was reached.

Based on the HSA and additional radiological survey, it is concluded that the land has no reasonable potential for residual radioactivity in excess of natural background or fallout levels. Accordingly, for purposes of 10 CFR 50.83, the land qualifies as a "non-impacted area" as defined in 10 CFR 50.2.

EVALUATION OF EFFECT OF PROPOSED RELEASE

REGNPP has evaluated the effect of releasing the property in accordance with the criteria specified in 10 CFR 50.83(a)(1) in order to ensure that the Ginna facility will continue to comply with applicable statutory and regulatory requirements that may be affected by the release of the property and changes to the site boundary. REGNPP has also confirmed that no change in the Ginna facility operating license or Technical Specifications is necessary as a result of the proposed release of the property. The subject property is located well outside the Exclusion Area Boundary for the Ginna facility.

Specifically, REGNPP's evaluation confirmed the following with respect to each of the regulatory areas identified in 10 CFR 50.83(a)(1)(i)-(vi):

- i. The dose to individual members of the public does not exceed the limits and standards at 10 CFR Part 20, Subpart D: Ginna has determined that this portion of land is not and has not been used for any radiological purposes. Also, no such activities are planned in the vicinity of that land. Our current programs will ensure that no members of the general public will receive doses in excess of 10 CFR Part 20, either at this land parcel or anywhere on Ginna land outside the protected area.
- ii. Emergency Planning and Physical Security: REGNPP has evaluated these issues in accordance with 10 CFR 50.54 (q) and (p), respectively. No credit is taken for this land

in either the Emergency Plan or the Security Plan, and the proposed land transfer would have no adverse effect on either plan.

- iii. Effluent Releases remain within license conditions: The proposed land to be transferred is far removed from any site area potentially subject to effluent release. In any case, all of our programs have been designed to maintain effluent release within our license conditions and the proposed land transfer would not affect those programs.
- iv. Environmental Monitoring Program and Offsite Dose Calculation Manual: Appropriate revisions will be made to environmental monitoring program and dose calculation manuals to account for this land transfer as of the time of the effectiveness of that transfer.
- v. The Siting Criteria of 10 CFR Part 100 continue to be met: All required dose calculations have recently been updated, as part of our amendment to use 10 CFR 50.67, and this proposed land sale will have no effect on meeting these criteria.
- vi. Other Statutory and Regulatory Requirements: REGNPP policies and procedures ensure that statutory and regulatory requirements are met. The proposed land transfer will have no adverse effect on these practices.

In short, the proposed release of the land lying along the far western edge of the site boundary will not have any impact on the Ginna facility's continued compliance with applicable NRC regulatory standards.

RESULTS OF 10 CFR 50.59 EVALUATION

For non-impacted areas, 10 CFR 50.83(b)(4) requires a licensee to submit the results of the evaluation performed in accordance with 10 CFR 50.59. As required, REGNPP has performed a 10 CFR 50.59 assessment of the proposed change in the site property. The proposed site release involves only a minor change in the site boundary, and no change in any of Ginna's structures, systems, and components that are described in the Updated Final Safety Analysis Report or any change in plant operations. More specifically, the release of the subject land will result in a decrease of approximately 224 feet in the western boundary of the Ginna site as shown in Attachment II (site map).

REGNPP's 10 CFR 50.59 review assessed the impact of the proposed change in the site boundary on offsite dose calculations and effluent releases and concluded that the change:

- a) does not adversely affect a design function as described in the UFSAR,
- b) does not adversely affect how a design function as described in the UFSAR is performed or controlled,
- c) does not revise or replace an evaluation method used to establish design basis or safety analysis, and
- d) does not involve a test or experiment not described in the UFSAR.

ENVIRONMENTAL IMPACTS

Under 10 CFR 50.83(b)(5), a request for NRC approval of a release of non-impacted areas must include the reasons for concluding that the environmental impacts associated with the proposed release of property will be bounded by appropriate previously issued Environmental Impact Statements. The original Final Environmental Statement (FES) for the Ginna facility was issued in December 1973. On June 17, 1983, as part of the conversion of the original Provisional Operating License for Ginna to a Full-Term Operating License, the NRC issued an "Environmental Evaluation Relating to the Full-Term Operating License Review." The 1983 Environmental Evaluation re-examined the impacts initially presented in the 1973 FES and concluded that there were no significant new environmental impacts or any significant changes from those identified previously in the 1973 FES.

More recently, in connection with license renewal for the Ginna facility, the prior licensee, RG&E, submitted an Environmental Report ("ER") in which it analyzed the environmental impacts associated with renewing the operating license for the Ginna facility for an additional 20 years beyond the original license expiration date, addressed alternatives to the proposed action, and evaluated mitigation measures for reducing adverse environmental effects. Based on its review of the licensee's ER, as well as input received from other federal, state and local agencies, affected Indian Tribes and the public, the NRC issued a plant-specific supplement to the Generic Environmental Impact Statement for License Renewal of Nuclear Plants, designated NUREG-1437, Supplement 14 ("SEIS"), issued January 2004. The NRC's SEIS provided a systematic evaluation of the environmental consequences of renewing the Ginna operating license for an additional 20 years. The SEIS concluded that the environmental impacts of license renewal for Ginna, including any cumulative impacts, reasonably supported preserving the option of license renewal for energy planning decision makers.

REGNPP has evaluated the environmental impacts associated with the proposed release of the property and considered those impacts in light of the NRC's 1973 FES, the 1983 Environmental Evaluation, and the 2004 SEIS for license renewal. The REGNPP evaluation did not identify any significant new environmental impacts or any significant changes from the environmental impacts previously assessed by the NRC. In particular, the evaluation found as follows:

1. The land transfer will have no more than a negligible increase in offsite dose consequences and no change in effluent releases.
2. Our radiological monitoring program will account for the revised site area boundary, and no increases in effects are anticipated.
3. Positive socioeconomic impacts will result from development of the land, including increases in construction, employment and housing.

Accordingly, REGNPP concludes that the environmental impacts associated with the proposed release of property are bounded by the NRC's previous environmental reviews for the Ginna facility.

CONCLUSION

Based on the foregoing reviews, the NRC should make the determinations under 10 CFR 50.83(c) that REGNPP has adequately evaluated the effect of releasing the property, and that the release area has been properly classified as non-impacted. Accordingly, the NRC should approve the requested release.

ATTACHMENT II

[Site Map]

ATTACHMENT III

PROPERTY DESCRIPTION.

Two parcels of land being portions of the approximately 426.03 acre Ginna Site [a part of which was formerly referred to as RG&E Property #13, SBL# 30019-00-254449], described as follows:

- Parcel (1) A strip of land along the western boundary the Ginna Site [a part of which was formerly referred to as SBL# 30119-00-254449] being two-hundred twenty-four (224) feet in width north of the parcel now or formerly owned by F. Alan Gates by deed recorded at Liber 772, Page 352 [said parcel being formerly referred to as SBL# 30119-00-210311 and being referred to herein as the "Gates Parcel"], exclusive of the sixty-six (66) feet x eight-hundred twenty-one (821) feet strip of land conveyed to Peter and Sandra Dusel.
- Parcel (2) A parcel located on the north side of Lake Road, east of and adjacent to the Gates Parcel [formerly referred to as SBL# 30119-00-210311] fronting four-hundred fifty (450) feet on Lake Road and being three-hundred ten (310) feet deep +/-.

Premises are located in the Town of Ontario, Wayne County, State of New York, as generally shown as Parcels 1 and 2, respectively, on Exhibit A attached hereto, containing approximately 15.16 acres +/-.

Attachment IV

GINNA HISTORICAL SITE ASSESSMENT (HSA)

As part of the 10 CFR 50.83 process, a historical site assessment has been conducted. The purpose of the HSA is to identify potential, likely, or known sources of radioactive material and radioactive contamination based on existing or derived information. This process consisted of a review of the primary reports published which documented the operating history of Ginna, especially as related to the Environmental/Radiological effects on the Ginna site. A summary is provided below:

NUREG-0821 "Integrated Plant Safety Assessment, Systematic Evaluation Program" (SEP), was published in December 1982. The SEP was an effort by the NRC to review older operating reactors to the then-current Standard Review Plan. As part of that effort, a historical review of Ginna operation was conducted. Ginna Station is a two-loop Westinghouse design pressurized water reactor. The original licensee, Rochester Gas and Electric, filed an application for a construction permit and operating license in October 1965. The construction permit was issued on April 25, 1966; the Provisional Operating License was issued on September 19, 1969; and commercial operation began on July 1, 1970. Section 1 of NUREG-0821 provided a description of the plant, as well as a history of its operating and regulatory performances. It was concluded that Ginna Station compared well to the SRP criteria.

A "Final Environmental Statement related to the operation of R. E. Ginna Nuclear Power Plant Unit 1" was published in 1973. A detailed description of the plant's operation, its effect on the environs, and in particular a discussion of the Environmental Measurements and Monitoring Program (in Section 6) are provided in that report.

An "NRC Report on the January 25, 1982 Steam Generator Tube Rupture at the R. E. Ginna Nuclear Power Plant", NUREG-0909, was published in April 1982. A detailed environmental and radiological assessment was conducted related to the consequences of this event. In Section 5 of that report, the NRC concluded that onsite and offsite consequences were low, with the estimated doses to individuals only a small fraction of the average annual dose from exposure to natural background radiation in the United States. Paragraph 1.4.3.6 noted that...

"With one exception, environmental surveys did not show radiation levels above background levels beyond the plant boundary. The exception was a single measurement taken about 11:00 a.m. on January 25 at the intersection of Lake and Ontario Center Roads, which indicated an exposure of 1.2 mrad. Additional surveys early in the afternoon indicated that this area had returned to background. In addition, portable instrument surveys made by Wayne County personnel did not indicate radiation levels above background."

Note that this location is closer to the plant than the land proposed to be transferred, and was in the prevailing wind direction during the event.

A follow-up "Safety Evaluation Report related to the Restart of the R. E. Ginna Nuclear Power Plant", NUREG-0916, was published in May 1982. Within that report, a detailed assessment of the 1982 Ginna steam generator tube rupture is provided. A radiological assessment is provided in Section 8.0 of that report, which concluded that, with minor enhancements, Ginna's environmental monitoring program was consistent with good health physics practices and the radiological consequences were below the levels calculated in the Systematic Evaluation Program and FSAR.

As part of the 10 CFR Part 51 and 54 License Renewal process, the NRC performed a detailed review of the Ginna operating history, as well as an environmental assessment of the possible effects of extending the Ginna operating license for an additional 20 years, to September 2029. A "Generic Environmental Impact Statement for License Renewal of Nuclear Plants, Supplement 14 Regarding R. E. Ginna Nuclear Power Plant", NUREG-1437, was published in December 2003.

NUREG-1437, Supplement 14, Section 4.3 Radiological impacts of Normal Operations, determined that:

- 1) Radiation doses to the public will continue at current levels associated with normal operations, and
- 2) Projected maximum occupational doses during the license renewal term are within the ranges of doses experienced during normal operation and normal maintenance outages, and would be well within regulatory limits.

NUREG-1437, Supplement 14, Section 4.7.3, "Offsite Land Use during Operations" concluded that for continued operation for an additional 20 years, the measures in place currently at Ginna provide mitigation for all impacts related to offsite land use, and no new mitigation measures are warranted.

In addition to these historical/operating history documents, a review of radiation protection files such as Radiological Effluent Technical Specification (RETS), Radiological Effluent Monitoring Program (REMP), land use surveys, Part 20 reports, and spill reports was conducted.

REGNPP reviewed historical records contained in the radiation protection files, including any reports to the NRC under 10 CFR Part 20; any records of spills or other occurrences involving the spread of contamination in and around the Ginna facility, equipment and site, as documented pursuant to 10 CFR 50.75(g); Annual Radiological Environmental Monitoring Program reports to the NRC; and other radiological environmental assessments and records. The review covered events and occurrences from prior to plant startup in 1969 through the present.

Key findings from these reviews are as follows:

1. The land has been an undisturbed area since the beginning of plant operations, other than being used for agrarian purposes.
2. The land has never been used for activities related to Ginna operations, including the storage of any radioactive materials or waste.

3. None of the event records or 10 CFR 50.75(g) records reviewed in the HSA indicate that any spills, leaks or other uncontrolled releases of radioactive material have ever occurred on or to the land.
4. Only a slight measurement of radioactivity attributable to the operation of the Ginna facility was detected on the property early in plant operation.* A small level of Cs-134 was detected due to fuel clad degradation in the early 1970s. Due to its short half-life of about 3.5 years, radioactive decay has lowered the levels consistent with natural background. The more recent surveys conducted in July 2003 and May 2005 did not detect any radioactivity above natural background or fallout levels.

As part of the License Renewal process, a "New and Significant Information Identification Process Report" was issued on October 3, 2002. This report was a compilation of interviews with plant personnel concerning operational events at Ginna Station. The section of the report concerning Radiation Protection and Chemistry discussed potential concerns with onsite and offsite release of radionuclides. No concerns were expressed within these interviews.

*"Residual Environmental Contamination from the Ginna Steam Generator Tube Rupture of 25 January 1982" SAIC, April 19, 1983.

EXHIBIT "A"

LAKE ONTARIO



TOWN LOT 22
TOWN LOT 21

TOWN LOT 23
TOWN LOT 30

T.A. 82119-00-102400

TOWN LOT 21
TOWN LOT 20

PARCEL 3

PARCEL 1

T.A. 82119-00-385400

T.A. 82119-00-102400

T.A. 82119-00-112400

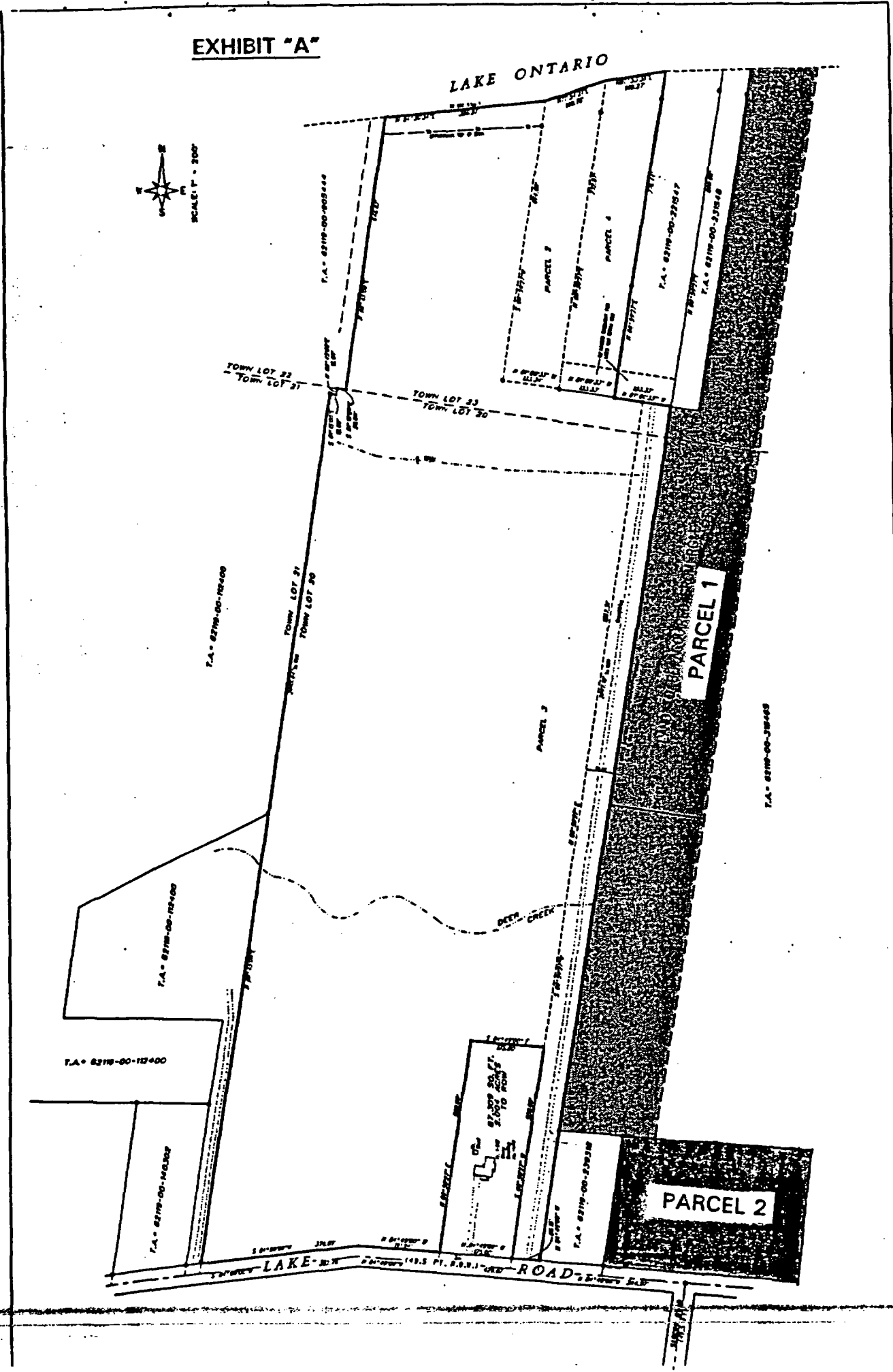
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21,000 SQ. FT.
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T.A. 82119-00-139310

PARCEL 2

LAKE-30-W ROAD-5-W



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SURVEY MAP"**

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D-04