

July 7, 2005

Mrs. Mary G. Korsnick  
Vice President R. E. Ginna Nuclear Power Plant  
R. E. Ginna Nuclear Power Plant, LLC  
1503 Lake Road  
Ontario, NY 14519

SUBJECT: NOTICE OF RECEIPT AND AVAILABILITY FOR COMMENT REGARDING  
RELEASE OF PART OF SITE FOR UNRESTRICTED USE - R. E. GINNA  
NUCLEAR POWER PLANT (TAC NO. MC7062)

Dear Mrs. Korsnick:

Enclosed is a copy of a "Notice of Receipt and Availability for Comment of Request Regarding Release of Part of Site for Unrestricted Use" related to the application dated May 20, 2005, filed by R. E. Ginna Nuclear Power Plant, LLC. The application (pursuant to 10 CFR 50.83) seeks approval of the proposed release of non-impacted land located along the Exclusion Area Boundary at the R. E. Ginna Nuclear Power Plant.

This notice is being forwarded to the Office of the Federal Register for publication.

Sincerely,

*/RA/*

Patrick D. Milano, Sr. Project Manager, Section 1  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-244

Enclosure: Notice

cc w/encl: See next page

July 7, 2005

Mrs. Mary G. Korsnick  
Vice President R. E. Ginna Nuclear Power Plant  
R. E. Ginna Nuclear Power Plant, LLC  
1503 Lake Road  
Ontario, NY 14519

SUBJECT: NOTICE OF RECEIPT AND AVAILABILITY FOR COMMENT REGARDING  
RELEASE OF PART OF SITE FOR UNRESTRICTED USE - R. E. GINNA  
NUCLEAR POWER PLANT (TAC NO. MC7062)

Dear Mrs. Korsnick:

Enclosed is a copy of a "Notice of Receipt and Availability for Comment of Request Regarding Release of Part of Site for Unrestricted Use" related to the application dated May 20, 2005, filed by R. E. Ginna Nuclear Power Plant, LLC. The application (pursuant to 10 CFR 50.83) seeks approval of the proposed release of non-impacted land located along the Exclusion Area Boundary at the R. E. Ginna Nuclear Power Plant.

This notice is being forwarded to the Office of the Federal Register for publication.

Sincerely,

*/RA/*

Patrick D. Milano, Sr. Project Manager, Section 1  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-244

Enclosure: Notice

cc w/encl: See next page

DISTRIBUTION:

PUBLIC	J. Uhle	S. Little	OGC
PDI-1 R/F	R. Laufer	J. Trapp, R-I	OCA
L. Marsh/C. Holden	P. Milano	R. Bores, R-I	OPA

Accession Number: ML051730113

OFFICE	PDI-1\PM	PDI-1\LA	OGC	PDI-1\SC
NAME	PMilano	SLittle	STreby	JBoska for RLaufer
DATE	06/22/05	06/22/05	06/29/05	07/06/05

Official Record Copy

R.E. Ginna Nuclear Power Plant

cc:

Mr. Michael J. Wallace  
President  
R.E. Ginna Nuclear Power Plant, LLC  
c/o Constellation Energy  
750 East Pratt Street  
Baltimore, MD 21202

Mr. John M. Heffley  
Senior Vice President and  
Chief Nuclear Officer  
Constellation Generation Group  
1997 Annapolis Exchange Parkway  
Suite 500  
Annapolis, MD 21401

Kenneth Kolaczyk, Sr. Resident Inspector  
R.E. Ginna Nuclear Power 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

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

Carey W. Fleming, Esquire  
Senior Counsel - Nuclear Generation  
Constellation Generation Group, LLC  
750 East Pratt Street, 17th Floor  
Baltimore, MD 21202

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

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

UNITED STATES NUCLEAR REGULATORY COMMISSION

R. E. GINNA NUCLEAR POWER PLANT, LLC

R. E. GINNA NUCLEAR POWER PLANT

DOCKET NO. 50-244

NOTICE OF RECEIPT AND AVAILABILITY FOR COMMENT OF REQUEST  
REGARDING RELEASE OF PART OF SITE FOR UNRESTRICTED USE

**AGENCY:** U.S. Nuclear Regulatory Commission

**ACTION:** Notice of Receipt and Availability for Comment

**DATE:** Comments must be provided in writing by August 10, 2005

**FOR FURTHER INFORMATION CONTACT:** Patrick D. Milano, Senior Project Manager,  
Section 1, Project Directorate I, Division of Licensing Project Management, Office of Nuclear  
Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Telephone: 301-415-1457; fax no.: 301-415-2102; e-mail: [pdm@nrc.gov](mailto:pdm@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Introduction**

The Nuclear Regulatory Commission (NRC) has received, by letter dated May 20, 2005, an application filed by R. E. Ginna Nuclear Power Plant, LLC (Ginna LLC) requesting the release of a part of the site for unrestricted use at its R. E. Ginna Nuclear Power Plant (Ginna Plant), located in Wayne County, New York. An NRC administrative review, documented in a letter to Ginna LLC dated June 29, 2005, found the request acceptable to begin a technical review. Before approving the proposed partial site release, the NRC will need to determine that the licensee has met the criteria set forth in Section 50.83, "Release of part of a power reactor

facility or site for unrestricted use,” of Part 50 of Title 10 of the *Code of Federal Regulations* (10 CFR 50.83). The tract of land proposed for release consists of two adjacent parcels, comprising a total of approximately 15 acres located along the western edge of the Ginna Plant site boundary, and is entirely outside of the Exclusion Area. The release of the part of the site would allow Ginna LLC to convey the tract of land under a Purchase and Sale Contract dated September 10, 2002, that was assumed from the former licensee of the Ginna Plant. Pursuant to this contract agreement, the land would be sold to a real estate developer for the purpose of developing the land for residential use. No physical changes to the Ginna Plant facility or operational changes are being proposed in the application.

The NRC will approve an application for partial release of a non-impacted area, if it determines that the licensee has adequately evaluated the effect of releasing the property and has adequately justified the classification of any release areas as non-impacted.

## **II. Opportunity to Provide Comments**

The NRC is providing notice to individuals in the vicinity of the facility that the NRC is in receipt of this request, and will accept written comments concerning this proposal by August 10, 2005. The comments must be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this FEDERAL REGISTER notice. Furthermore, before acting upon this request for approval submitted in accordance with 10 CFR 50.83, the NRC will schedule and conduct in the near future a public meeting in the vicinity of the Ginna Plant for the purpose of obtaining public comments on the proposed release of the part of the site. The NRC will consider and, if appropriate, respond to these written and verbal comments, but such comments will not otherwise constitute part of the decisional record. Comments received after public meeting will be considered if practicable to

do so, but only those comments received on or before the public meeting can be assured consideration.

**III. Further Information**

Documents related to this action, including the application for approval and supporting documentation, are available for public inspection at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will also be accessible electronically as text and image files from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC web site, <http://www.nrc.gov/reading-rm/adams.html>. The ADAMS accession numbers for the documents related to this notice are:

<u>Title</u>	<u>ADAMS Accession No.</u>
Application, "Partial Site Release"	ML051530448
Drawing 1 of 4, "Ginna Site Boundary Survey"	ML051530451
Drawing 2 of 4, "Building Details"	ML051530453
Drawing 3 of 4, "Site Detail"	ML051530454
Drawing 4 of 4, "Station 13A Site Survey Map"	ML051530457

Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at

1-800-397-4209, 301-415-4737 or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov). The PDR reproduction contractor will copy documents for a fee.

Dated at Rockville, Maryland this 5th day of July 2005.

FOR THE NUCLEAR REGULATORY COMMISSION

*/RA/*

Patrick D. Milano, Senior Project Manager, Section 1  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation