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Constellation Energy
Generation Group

October 22, 2005

U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

ATTENTION: Document Control Desk

SUBJECT: **R.E. Ginna Nuclear Power Plant**
Docket No. 50-244

Response to Requests for Additional Information Related to our May 20, 2005 Application for Transfer of Site Property per 10 CFR 50.83

By letters dated September 8 and 15, 2005, the NRC provided Requests for Additional Information (RAIs) related to our May 20, 2005 application for transfer of site property per 10 CFR 50.83.

Our responses to these RAIs are set forth in Attachments 1 and 2, respectively. In accordance with customary NRC practice, our response to the second set of RAIs is being provided within 30 days of receipt of those RAIs. Our response to the first set has been consolidated with our response to the second set to facilitate the NRC's ease of review.

If you have any questions, please contact George Wrobel at (585) 771-3535 or george.wrobel@constellation.com.

Very truly yours,

Mary G. Korsnick

Mary G. Korsnick

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STATE OF NEW YORK :
: **TO WIT:**
COUNTY OF WAYNE :

I, Mary G. Korsnick, being duly sworn, state that I am Vice President – R.E. Ginna Nuclear Power Plant, LLC (Ginna LLC), and that I am duly authorized to execute and file this response on behalf of Ginna LLC. To the best of my knowledge and belief, the statements contained in this document are true and correct. To the extent that these statements are not based on my personal knowledge, they are based upon information provided by other Ginna LLC employees and/or consultants. Such information has been reviewed in accordance with company practice and I believe it to be reliable.

Mary G. Korsnick

Subscribed and sworn before me, a Notary Public in and for the State of New York and County of MONROE, this 22 day of October, 2005.

WITNESS my Hand and Notarial Seal:

Sharon L. Miller
Notary Public

My Commission Expires:

SHARON L. MILLER
Notary Public, State of New York
Registration No. 01MI6017755
Monroe County
Commission Expires December 21, 2006

Attachments:

Cc: S. J. Collins, NRC
P. D. Milano, NRC
Resident Inspector, NRC

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

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NYS Department of Public Service
3 Empire State Plaza, 10th Floor
Albany, NY 12223-1350

Attachment 1
RAI RESPONSES TO 9/8/05 LETTER

1. Historical Site Assessment (HSA)

   a. Discuss whether personnel interviews included former plant employees, in addition to current ones, with knowledge of plant operations, and current and former contractors that have supported plant and site operations.

   Response:

   Communications and interviews were held with current and former Ginna Station employees, who were judged to have historical knowledge of plant operations as they related to the use of the subject parcels. Former employees included the former plant manager, site vice-president, and licensing managers. Current employees included the radiation protection manager, construction manager, chemical control coordinator, and chemistry director. These long-term employees, are very familiar with plant operations from plant construction days and the early 1970s.

   b. Discuss whether either land parcels were ever used as dumping grounds for building rubble, demolition debris, trash, furniture, equipment, soils, backfill, and snow originating from industrial areas with a potential for radioactive contamination. Discuss whether each land parcel was physically inspected by the Ginna LLC staff to assess if the parcels were ever used as dumping grounds.

   Response:

   Based on the interviews/discussions provided in 1.a. above, these land parcels never have, to the best of the knowledge of plant staff and the former employees interviewed, been used as a dumping ground for building rubble, demolition debris, trash, etc. with a potential for radioactive contamination. Low-level radioactive waste is maintained within the protected area until it can be shipped to an authorized offsite facility (the only exception being storage of the original steam generators in an enclosed facility on site adjacent to the protected area).

   The Ginna site has an area immediately west of the protected area, called the "spoils pile", which is designated for receipt of rubble, soil, backfill and the like of a non-radioactive nature produced onsite. This "spoils pile" and steam generator mausoleum are located at least one-half mile away from the closest point of the parcels in question.

   These land parcels were traversed by Ginna chemistry and RP personnel when samples were being collected for radiological examination to evaluate environmental samples collected in this parcel against control samples collected under the Radiological Environmental Monitoring Program. However, no walkdowns to specifically target "dumping" as described were performed. Plant

personnel have relied on historical records, the knowledge of long-employed plant staff, and historical plant practices to determine that no such dumping had occurred.

c. Regarding the presence of Cesium isotope 134 (Cs^{134}) detected on the property in early plant operations, provide a copy of the Science Applications International Corporation report, dated April 19, 1983, cited on page 12 (as a footnote to item 4) of the application.

Response:

Since this request is "privileged and confidential", Ginna would prefer that report be reviewed onsite by NRC personnel. If it is required that this report be submitted on the docket, it will be submitted under 10 CFR 2.390 very shortly.

d. A review of the Ginna site drawings indicates that Deer Creek runs through land Parcel 1. Provide discussion and results of media samples confirming that the creek bed is not radiologically impacted by plant operations, nor a vector for the movement of radioactivity, such as from plume particulate deposition, surface water runoff from radiologically impacted areas, and spills and leaks from systems containing plant-derived radioactivity.

Response:

Deer Creek runs through land parcel 1, flowing in an easterly (toward the plant) direction. As would be expected under the general tenets of hydrogeology, stream flow is consistent with the groundwater flow in the vicinity of Ginna. Runoff from the site systems would not affect that section of Deer Creek, almost a mile upstream. Also, any runoff flow for plant systems that could contain radioactive material is monitored, in accordance with the Ginna REMP program.

Plume deposition from plant activities would not affect Deer Creek any differently than the surrounding land acreage, from which samples were taken as discussed in response 1.b. above. No radioactivity above background was detected in the samples, as noted in our May 20, 2005 application.

e. It is not clear if the HSA has addressed the potential presence of plant-derived radioactity in site ground water and whether site gradient and ground water flow are moving potential contaminants of concern toward or away from either land parcels. Provide a discussion of the current radiological status of ground water, characterize plant spill and leak events that might have impacted the quality of site ground water, and provide information and results of past and current ground water sampling and analysis campaigns.

Response:

There is an active groundwater monitoring program at Ginna Station. Although very minor levels of radioactivity have been detected in the groundwater, they are well within the safe levels established in 40 CFR 190. Tritium is the only plant radionuclide detected in downgradient groundwater sampling wells and the concentrations have not been statistically different from upgradient sampling wells. It is important to note that the groundwater in the vicinity of Ginna Station is known to flow in a generally northeasterly direction, so that any groundwater contamination from Ginna Station would be moving away from the land parcels that are proposed for sale. The sampling program is controlled by procedure CH-SAMP-GRNDWTR; reporting requirements are controlled by the Offsite Dose Calculation Manual (ODCM). Groundwater monitoring at Ginna Station has been regularly reviewed as part of NRC Inspection Activity 7112203 – Public Radiation Safety – REMP.

2. Radiological Surveys Conducted for Partial Site Release

   a. Provide a description of the survey program and the results of all radiological surveys used to confirm that both land parcels subject to the partial site release are non-impacted areas. The description should identify: (1) the Multi-Agency Radiation Survey and Site Investigation Manual data quality objectives used in planning and implementing surveys, (2) the basis for sampling media and sampling locations, (3) the process used to select and calibrate survey instrumentation, (4) survey and laboratory instrumentation minimum detectable concentrations, (5) survey and media sampling methods, (6) basis for selecting radionuclides of concern, (7) criteria for defining investigational levels, (8) designation of reference background areas and ambient radiation and radioactivity levels, and (9) sample analytical program. Also, describe the data quality assessment process applied in confirming that each land parcel does not contain either plant-generated radionuclides or residual radioactivity in excess of natural background or fallout levels.

Response:

Because these land parcels were determined to be non-impacted, the methodology of MARSSIM was not used. The following sampling and analysis was used: On the selected parcel of land, a random selection of environmental media typically collected for the Radiological Environmental Monitoring Program was collected and analyzed in accordance with approved plant procedures. These included food products, shoreline sediment, and lake vegetation. In addition, a selection of samples typically collected under Emergency Response procedures following a release from the plant were collected and analyzed under approved plant procedures. These included soil, grass, and lake water. Samples

were counted to the Lower Limit of Detection required for environmental samples under Table 5-3 of the R.E.Ginna Nuclear Power Plant Offsite Dose Calculation Manual. The only radionuclide potentially attributable to the operation of Ginna Station was Cesium-137 detected in soil samples. In each soil sample the Cesium-137 concentration was statistically indistinguishable from the average of background soil samples taken at a distance of greater than 10 miles from Ginna. This approach was intended as a demonstration of the absence of plant impact, given the characterization of the parcels as non-impacted.

b. Discuss whether the Ginna Chemistry Department used a third-party laboratory for quality assurance/quality control (QA/AC) in its analysis of environmental media described in the application. If so, describe the comparative results of all QA/AC samples, and the significance of differences, if any, among sample results and implications on the interpretation of the results.

Response:

The Ginna Chemistry department did not use a third-party laboratory for QA/QC on these specific samples. A third-party laboratory provides blind standards to verify radioanalytical counting processes at Ginna. The test equipment used to analyze these samples meets all the QA/QC requirements for the Radiological Environmental Monitoring Program. Analysis was performed by certified personnel meeting the required Chemistry/RP qualifications. Sample collection was performed by the Radiochemist and the Count Room Foreman. Analysis was performed by the Count Room Foreman.

3. Reporting and Recordkeeping for Decommissioning Planning

a. Based on a review of the application, and in response to Part 50.75(g)(4)(i) and (iii), it is not clear as to the process that Ginna LLC will use to incorporate this partial site release (if granted) in planning the decommissioning of the entire site at the time of license termination.

Response:

This portion of the site, if released, will not be factored into the decommissioning planning for the site at time of license termination, since it will not be part of the site.

4. Partial Site Release Application Package Backup Information

   a. A review of the application package indicates that evaluations and analyses were performed, but were not included, nor cited as references in the attachments. Provide copies, or otherwise make available to NRC staff, the results of the 10 CFR Part 50.59 evaluation and information developed as part of the HSA process supporting the findings and conclusions presented in the application package.

   Response:

   The 50.59 is provided as Attachment 3.

Attachment 2
RAI RESPONSES TO 9/15/05 LETTER

1. Provide a summary of the evaluation, performed in accordance to 10 CFR 50.54(p) that demonstrates and gives the basis for the Ginna LLC conclusion of "no adverse effect on approved security," as stated on page 4 of Attachment 1 of the May 20 application.

   Response:

   This 50.54(p) review was performed in accordance with Ginna procedure IP-LPC-9, Revision 2. Within that review, it was determined that the transfer of this portion of the site would not result in the non-compliance of any Security Plan requirement or commitment. This is because the land is not used for, nor credited in, any Security-related activities. The transfer of land would not impede the protection of a target set, impact Security response times, reduce the effectiveness of intrusion detection, adversely affect Security Training, or in any way create a condition that would prevent the Security program from meeting the high assurance objectives in 73.55(a) or reduce the overall level of system performance against radiological sabotage per 73.55(b) through (h).

2. Provide a description or clarification of whether there are important plant systems (e.g., such as offsite power transformer, power lines, pumps, plant water supply systems, water intakes, etc.) in the vicinity of the proposed site property for release. Discuss security considerations required, if any.

   Response:

   There are no plant systems in the vicinity of the proposed site property for release. There are no adverse Security considerations for this land, as demonstrated in the 10 CFR 50.54(p) review discussed in 1. above.

50.59 SCREENING FORM

50.59 Screening # (from CMIS Rec Type 5059SCRN): 2005-0290 **Rev. #** ____

I. ASSOCIATED CHANGE

CMIS Rec Type: N/A (Use N/A if not applicable) **Rec ID:** _____ **Rev. #:** ____

Subject: PROPOSED LAND TRANSFER

Brief Description of Activity (what is being changed and why):
IT IS PROPOSED THAT ABOUT 15 ACRES OF THE GINNA SITE HAVE CONTROL TRANSFERRED TO A REAL EASTATE DEVELOPER, PER 10 CFR 50.83.

II. 50.59 APPLICABILITY DETERMINATION

Are any activities applicable to another process? ___ Yes X No
If yes, identity the following:

Process #: _____ Portion of activity: _____
Process #: _____ Portion of activity: _____
Editorial Change. Portion of activity: _____

III. 50.59 SCREENING QUESTIONS (Check correct response for each question)

1. Does the proposed activity involve a change to an SSC that adversely affects an UFSAR described design function? (See Section 4.2.1.1 of NEI 96-07) ___ Yes X No

2. Does the proposed activity involve a change to a procedure that adversely affects how UFSAR described design functions are performed or controlled? (See Section 4.2.1.2 of NEI 96-07) ___ Yes X No

3. Does the proposed activity involve revising or replacing an UFSAR described evaluation method that is used in establishing the design bases or used in the safety analyses? (See Section 4.2.1.3 of NEI 96-07) ___ Yes X No

4. Does the proposed activity involve a test or experiment not described in the UFSAR, where an SSC is utilized or controlled in a manner that is outside the reference bounds of the design for that SSC or is inconsistent with analyses or descriptions in the UFSAR? (See Section 4.2.2 of NEI 96-07) ___ Yes X No

5. Does the proposed activity require a change to the Technical Specifications? ___ Yes X No

List the documents (UFSAR, Technical Specifications, and other documents) **reviewed, including section numbers, or the Dyna Text search criteria:**
SEE LIST OF DOCUMENTS ATTACHMENT

50.59 SCREENING FORM

50. 59 Screening # (from CMIS Rec Type 5059SCRN): 2005-0290 **Rev. #** ___

IV. **50.59 SCREENING CONCLUSION** (Check one based on Section III above)

1. Question 5 was answered "Yes" requiring a License Amendment prior to implementing the activity (see IP-LPC-3). ___ Yes
2. Question 5 was answered "No" AND one or more of questions 1, 2, 3, and 4 were answered "Yes". However, this activity is part of another activity such that an existing 50.59 Evaluation may be used (provide justification below). ___ Yes
   50.59 Evaluation #: _____
3. Question 5 was answered "No" AND one or more of questions 1, 2, 3, and 4 were answered "Yes" such that a *new* 50.59 Evaluation must be performed. ___ Yes
4. All questions were answered "No" such that the activity may be implemented per the applicable plant procedure without obtaining a License Amendment. Provide justification below. X Yes

If Conclusion 2 or 4 was selected, provide sufficient justification for each of the 50.59 screening questions that would allow a knowledgeable reviewer to reach the same determination (discuss the specific design function and the effect):

SEE SCREENING CONCLUSION ATTACHMENT

V. **ADMINISTRATIVE CONTROLS**

Does the activity require administrative controls to maintain the requirements assumed in Sections III or IV? ___ Yes X No
If yes, identify the following associated with the controls:

i. CMIS Rec Type: _____ Rec ID: _____
Subject: _____

ii. Other Control: _____

VI. **50.59 SCREENING APPROVAL**

Preparer: WROBEL,G Date: 05/20/2005

Reviewer: HARDING,T Date: 05/20/2005

50.59 SCREENING FORM List of Documents Attachment for 5059SCRN 2005-0290

UFSAR Section 2.1, Figure 2.1-2

50.59 SCREENING FORM Screening Conclusion Attachment for 5059SCRN 2005-0290

Question 1 and 2 Conclusion

Design Function:

This land has no design function related to Ginna plant operation.

Effect on Design Function:Since no credit is taken for this land to

No design function will be modified by this proposed land transfer. It is not used to support any plant activities.
Therefore, there is no adverse effect on any UFSAR described design function, nor how UFSAR described design functions are controlled.

Question 3, 4, and 5 Conclusion

The change does not revise or replace an UFSAR described evaluation method that is used in establishing the design bases or used in the safety analyses since the change is not related to any evaluation that demonstrates that intended functions will be accomplished.

This change does not involve a test or experiment not described in the UFSAR, where an SSC is utilized or controlled in a manner that is outside the reference bounds of the design for that SSC or is inconsistent with analyses or descriptions in the UFSAR. The change only involves land sale and is not a test or experiment.

The proposed change does not require a change to the Technical Specifications. The Technical Specifications primarily ensure that equipment that is required to prevent or mitigate a transient or accident is available prior to the event. These changes do not prevent any required equipment from performing their assumed accident mitigation function.