

November 9, 2005

LICENSEE: R.E. Ginna Nuclear Power Plant, LLC

FACILITY: R.E. Ginna Nuclear Power Plant

SUBJECT: SUMMARY OF SEPTEMBER 28, 2005, MEETING WITH THE PUBLIC
REGARDING PROPOSED RELEASE OF PART OF SITE FOR
UNRESTRICTED USE (TAC NO. MC7602)

On September 28, 2005, the Nuclear Regulatory Commission (NRC) held a Category 3 meeting to obtain public comments on the proposed release of part of the R.E. Ginna Nuclear Power Plant (Ginna) site for unrestricted use, pursuant to Section 50.83 of Part 50 of Title 10 of the *Code of Federal Regulations* (10 CFR 50.83). The meeting took place at the Ginna Training Center in Ontario, New York. A list of attendees is provided as Enclosure 1.

The NRC staff provided a short presentation to describe the land under consideration in the licensee's application dated May 20, 2005, for partial site release and the NRC regulations governing the review of the application. A copy of the presentation slides is provided as Enclosure 2.

Members of the public who were in attendance provided comments regarding the proposed partial site release. The following is a summary of the comments that were received during the meeting:

1. Safety of the land being released

The majority of the comments presented by the public were in the area of radiological safety. In particular, the public's focus was on understanding the NRC's actions for determining that the land, if transferred, would be safe. The public asked various questions about the potential for contaminants to be in the land that would be unsafe for the public. In particular, the public asked about material getting into the ground water and whether the evaluation included soil and water sampling. There was also a discussion about the type of surveys that the licensee completed in support of its application and the procedures used to sample and test. Further, one individual was concerned about potential non-radioactive contaminants such as polychlorinated biphenyls (PCBs) and the agency that would have jurisdiction in this area since it was not included in 10 CFR 50.83.

The NRC staff described its options when determining whether the licensee's classification of any release area as non-impacted was adequately justified. In this regard, several individuals requested that the NRC perform some independent testing. Several others said that the NRC should not do independent tests unless there was some compelling evidence that these tests were necessary.

The public was aware of the July 7, 2005, application by the licensee to increase the licensed thermal power level. In this regard, a question was asked about the impact at the exclusion area boundary from the requested power uprate conditions.

2. NRC regulations governing this application

Based on the NRC staff's presentation about its scope of review, the public questioned the difference between the NRC's regulations when the plant is operating and when it undergoes decommissioning. The staff discussed the similarity between the regulations in 10 CFR 50.83 and 10 CFR 50.82, "Termination of license." One member of the public also expressed concern that the regulations in 10 CFR 50.83 provide no opportunity for intervention.

The public and the State representative questioned the possibility that the licensee may sell additional land and the extent to which additional land could potentially be sold. The NRC staff stated that it was not aware of any further requests from the licensee to release more land for unrestricted use. As stated in 10 CFR 50.83, the siting criteria of 10 CFR Part 100 in the plant's licensing basis must continue to be met.

3. Security and emergency preparedness

One member of the public commented on the need for a physical barrier for separating Ginna's and residential properties. There were also comments that, with the number of people who will be living close to the plant after the land is developed, there should be a physical barrier to prevent trespassing onto the site. For the Ginna site, NRC staff clarified that licensees are required to meet the requirements established in 10 CFR Part 73 about protection against an enhanced design-basis threat and that property fences at the owner controlled area boundary for marking or physical barriers against trespassing are not requirements within established regulation.

Regarding emergency preparedness, the NRC staff described the scope of its review of the licensee's evaluation that there will not be a reduction in effectiveness of the emergency planning. An individual asked whether the number of homes in the area would impact the review of the emergency preparedness program.

Public meeting feedback forms were not received.

Please direct any inquiries to Patrick Milano at 301-415-1457, or pdm@nrc.gov.

/RA/

Patrick D. Milano, Senior Project Manager
Plant Licensing Branch A
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-244

Enclosure: As stated

cc w/encl: See next page

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Office of Nuclear Reactor Regulation

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DATE	11/08/05	11/09/05	11/09/05

OFFICIAL RECORD COPY

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MEETING ATTENDEES

APPLICATION TO RELEASE PART OF SITE FOR UNRESTRICTED USE

R.E. GINNA NUCLEAR POWER PLANT

SEPTEMBER 28, 2005

NRC Staff:

<u>Name</u>	<u>Title</u>	<u>Organization</u>
Patrick Milano	Sr. Project Manager	NRR/DORL/LPLA ¹
Stephen Klementowicz	Health Physics Team Leader	NRR/DIRS/IHPB ²
Jean-Claude Dehmel	Sr. Health Physicist	NRR/DIRS/IHPB
Daniel Barss	Licensing Team Leader	NSIR/EPD ³
Peter Lee	Sr. Security Specialist	NSIR/DNS ⁴
Mark Marshfield	Resident Inspector	R-I/DRP ⁵

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2. NRR/Division of Inspection and Regional Support (DIRS)/Health Physics Branch (IHPB)
3. Office of Nuclear Security and Incident Response (NSIR)/Division of Preparedness and Response (EPD)
4. NSIR/Division of Nuclear Security
5. Region I/Division of Reactor Projects

Constellation Energy/R.E. Ginna Nuclear Power Plant, LLC:

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George Wrobel	Director, Nuclear Safety and Licensing
Ron Teed	Director, Nuclear Security
Tim Laursen	Director, Emergency Preparedness
John Traynor	Sr. Quality Assurance Auditor
Gregory Jones	Acting Director, Chemistry

State of New York:

<u>Name:</u>	<u>Department:</u>
Paul Eddy	NYS Department of Public Service

Members of the Public:

Name:

Frank D'Angelo	Peter Dusel	Keith Burrows
Nick D'Angelo	Sandra Dusel	Sue Wheaton
Thomas Jay Solomon	Sherri Kennedy	Tim Judson