

From: DAVID E ORTMAN [deortman@msn.com]
Sent: Friday, May 29, 2009 12:30 AM
To: Hearing Docket
Cc: jmatthews@morganlewis.com; drstenger@hhlaw.com
Subject: R.E. Ginna Nuclear Power Plant license transfer - Docket No. 50-244 - 74 FR 21013 - May 6, 2009

May 28, 2009

Attn: Rulemakings and Adjudications Staff
Secretary
Nuclear Regulatory Commission
WA D.C. 20555-0001

RE: NRC-2009-0192; Docket No. 50-244, 74 FR 21013 (May 6, 2009)

Dear NRC:

I have reviewed a copy of the above referenced notice regarding the R.E. Ginna Nuclear Power Plant, LLC; R.E. Ginna Nuclear Power Plant Notice of Consideration of Approval of Application Regarding Proposed Corporate Restructuring and of Indirect Transfer of Licenses Pursuant to 10 CFR 50.80 and Opportunity for a Hearing, which appeared in the May 6, 2009, Federal Register.

Deficient Public Notice

Nowhere in the public notice is the location of these nuclear power plants given. In the future, please provide a location for nuclear power plants in your public notices so that the public does not have to search independently to determine that the R.E. Ginna Nuclear Power Plant is located approximately 20 miles northeast of Rochester, New York on the southern shore of Lake Ontario.

Background on the R.E. Ginna Nuclear Power Plant

According to other sources, the R.E. Ginna Nuclear Power Plant is a pressurized water reactor and one of the oldest, starting operation in 1970. In 2004, the NRC granted a 20-year license extension. Because of the age of this reactor, it is virtually certain that accidents and plant failures will occur. The rate of incident for older reactors is increased due to age related degradation. Troublesome problems have already occurred at R.E. Ginna. In 1982, a steam-generator tube ruptured and leaked radioactive steam into the air, resulting in the replacement of the plant's steam generators.

Corporate Shells

According to the public notice the Renewed Facility Operating License, No. DPR-18 is currently held by:

* R.E. Ginna Nuclear Power Plant, LLC, as owner and licensed operator.

* R.E. Ginna Nuclear Power Plant, LLC, is owned by Constellation Nuclear Power Plants, Inc.

* Constellation Nuclear Power Plants, Inc., is owned by Constellation Energy Nuclear Group , LLC (CENG).

* CENG is a wholly-owned subsidiary of Constellation Energy Group, Inc. (CEG).

Thus, there are four listed entities with some type of operating licensing/ownership responsibility for the Calvert Cliffs Nuclear Power Plant Station.

Proposed Corporate Shell Expansion

According to the public notice, the Applicants, Constellation Energy Nuclear Group (on behalf of R.E. Ginna Nuclear Power Plant, LLC) and EDF Development, Inc. (EDF Development), propose the following corporate restructuring:

* EDF Development would acquire 49.99% ownership interest in CENG. The Public Notice does not disclose why or what advantage EDF Development would gain by acquiring a minority ownership in CENG, rather than CEG. EDF Development is a U.S. corporation organized under the laws of the State of Delaware.

* EDF Development is a wholly-owned subsidiary of E.D.F. International S.A., a public limited company organized under the laws of France.

* E.D.F. International S.A. is in turn a wholly-owned subsidiary of [Eacute]lectricit[eacute] de France S.A., a French limited company.

* CEG would hold a 50.01% ownership in CENG through two new intermediate parent companies, with an additional intermediate holding company existing between CENG and R.E. Ginna Nuclear Power Plant, LLC converted from a corporation to a limited liability company.

Approval of this restructuring would add six new corporate entities to the licensing/ownership responsibility for the R.E. Ginna Nuclear Power Plant Station, including two foreign corporations.

Comment and Request

In summary, no further consideration of the proposed corporate restructuring and indirect transfer of licenses should be undertaken until the NRC has reviewed its facility operation license requirements and determines whether licenses involving multiple levels of wholly-owned subsidiaries provides adequate institutional and corporate control, responsibility, accountability and liability for aging nuclear power plants.

Sincerely,

| signature

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cc: The Honorable Charles Schumer
The Honorable Henry Waxman

E-mail Properties

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