

November 23, 1983

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of  
ROCHESTER GAS & ELECTRIC CORPORATION  
(R.E. Ginna Nuclear Power Plant,  
Unit No. 1)

}  
}  
}  
}  
}  
Docket No. 50-244

NRC STAFF DRAFT OF FURTHER NOTICE OF  
OPPORTUNITY FOR HEARING AND ADVICE ON DELAY  
IN ISSUANCE OF ACRS LETTER AND SER SUPPLEMENT

On June 15, 1983, the Licensing Board in the above-captioned proceeding ordered the parties, among other things, to state their respective positions with regard to whether the Board is required to, or in any event should, renote an opportunity for intervention and request for hearing on licensee's request that its current provisional operating license be converted to a full-term operating license. Order at 2. The Intervenor responded in favor of renoting the conversion proceeding and the Staff and Applicant opposed renoting. In LBP-83-73, slip opinion at 14-15 (November 7, 1983), the Licensing Board directed the Staff to draft a further notice of opportunity for hearing on the conversion of the Ginna provisional operating license to a full-term operating license. Pursuant to that direction, the Staff herewith submits the attached draft notice for the Licensing Board's consideration.

In addition, in its decision the Board noted that the parties appear to be in agreement:

that the proceeding should resume at about the time the staff issues its final major document which we will assume to be the

8312050029 831123  
PDR ADDOCK 05000244  
G PDR

DESIGNATED ORIGINAL  
Certified By DSO Tpd

October 1983 Safety Evaluation Report, although a supplement to the SER will issue after the Advisory Committee on Reactor Safeguards has reviewed the Ginna application for a full-term operating license.

Id. at 3. The Staff has reviewed the parties' pleadings and notes that the Staff proposed a 60 day period following the issuance of the conversion SER supplement for the Intervenor to revise present, or raise new, contentions.<sup>1/</sup> the Applicant suggested a 45 day discovery period commencing after all future issuances are available,<sup>2/</sup> and the Intervenor proposed a 6 month period for filing revised or additional contentions commencing after completion of all Staff and Applicant filings.<sup>3/</sup>

The Staff estimated in its July 15 status report that the SER supplement addressing the Advisory Committee on Reactor Safeguards (ACRS) comments on the safety evaluation would issue at the end of October 1983. On November 16 and 17, 1983, the Staff met with the ACRS. The ACRS has not completed its review and will meet with the Staff and licensee after additional evaluation by the Staff related to wind and tornado loadings is made available. The results will be presented at an ACRS meeting

---

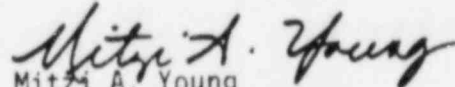
1/ NRC Staff Response to June 15, 1983 Order Requesting Further Status Report, dated July 15, 1983, at 3.

2/ Response of Rochester Gas and Electric Corporation to Order issued June 15, 1983, dated July 15, 1983, at 2.

3/ Status Report of Michael L. Slade of July 15, 1983, at 1-2.

tentatively scheduled for Spring 1984. Consequently, it appears that the issuance of the ACRS letter and the SER supplement will be delayed for at least several months.

Respectfully submitted,

  
Mitzi A. Young  
Counsel for NRC Staff

Dated at Bethesda, Maryland  
this 23rd day of November, 1983

UNITED STATES NUCLEAR REGULATORY COMMISSION

ROCHESTER GAS & ELECTRIC CORPORATION

DOCKET NO. 50-244 OLA

NOTICE OF CONSIDERATION OF CONVERSION OF  
PROVISIONAL OPERATING LICENSE AND OPPORTUNITY FOR HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of a full-term facility operating license to Rochester Gas and Electric Corporation (the licensee), for operation of the R.E. Ginna Nuclear Power Plant located on Lake Ontario, Wayne County, NY at its presently licensed steady state power level of up to 1520 megawatts (thermal) for a period of up to 40 years from April 25, 1966, the issuance date of the construction permit (CPPR-19). The facility is presently being operated in accordance with Provisional Operating License No. DPR-18 which was issued by the Commission on September 19, 1969. The Commission has previously noticed consideration of the conversion of the license on November 22, 1972. 37 FR 26144 (December 8, 1972). This additional notice of conversion of the license is issued at the direction of the Atomic Safety and Licensing Board which is presiding over a hearing on the conversion. Rochester Gas & Electric Corp. (R.E. Ginna Plant, Unit 1), LBP-83-73, 17 NRC \_\_\_\_ (November 7, 1983).

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, the applicants filed an environmental report, dated August 15, 1972, as part of the application.

The report, which discusses environmental considerations related to the proposed operation of the facility, is available at the Rochester Public Library, 115 South Avenue, Rochester, New York 14627 and at the Commission's Public Document Room, 1717 H Street, N.W., Washington, DC.

The environmental report has been analyzed by the Commission's staff. A Draft Environmental Statement was issued in April 1973 and the Final Environmental Statement (FES) issued in December 1973. The Staff has also prepared an Environmental Evaluation to determine if an FES supplement is necessary. The Environmental Evaluation was issued on June 17, 1983 and concluded that an FES supplement was not necessary. The availability of these documents has previously been noticed in the FEDERAL REGISTER and they are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, DC, and at the Rochester Public Library, 115 South Avenue, Rochester, New York 14627.

The environmental review required by the Commission's regulations in 10 CFR Part 51 has been completed. The staff is conducting its safety review of the application and has issued (1) an Integrated Plant Safety Assessment Report (IPSAR) (NUREG-0821), dated December 1982 and IPSAR Supplement No. 1, dated August 1983, which document the NRC Staff evaluation of the facility's degree of compliance with current licensing requirements and any needed backfitting and (2) the Staff's Safety Evaluation Report (NUREG-0944), dated October 1983. The staff will await receipt of a report on the licensee's application for a full-term operating license by the Advisory Committee on Reactor Safeguards before providing a final recommendation on the issuance of the full-term operating license.

Before issuance of the full-term operating license, the Commission will have made the finding that the application, as amended, complies with the requirements of the Atomic Energy Act, as amended (the Act), and the Commission's regulations in 10 CFR Chapter I.

By \_\_\_\_\_, any person whose interest may be affected by the issuance of the full-term operating license to the subject facility and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Atomic Safety and Licensing Board presiding over the conversion proceeding will rule on the request and/or petition and will issue an appropriate order.

As required by 10 CFR § 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who files a petition



for leave to intervene may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding to consider the petitions to intervene, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding to consider petitions to intervene, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with Herbert Grossman, Chairman, Administrative Judge, Atomic Safety and Licensing Board, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, DC, by the above date. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory

Commission, Washington, DC 20555, and to Harry H. Voigt, LeBoeuf, Lamb, Lieby & MacRae, 1333 New Hampshire Avenue, N.W., Suite 1100, Washington, DC 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing filed pursuant to this notice will not be entertained absent a determination by the Atomic Safety and Licensing Board that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the (1) licensee's application for conversion of Provisional Operating License No. DPR-18 to a full-term operating license, dated August 15, 1972 and licensee's environmental report which is part of the application; (2) the Draft Environmental Statement, dated April 1973; (3) the Final Environmental Statement, dated December 1973; (4) the Environmental Evaluation, dated June 17, 1983; (5) the Integrated Plant Safety Assessment Report (NUREG-0821), dated December 1982 and IPSAR Supplement No. 1, dated August 1983; (6) NRC Staff's Safety Evaluation Report (NUREG-C944), dated October 1983. In addition, the history of the plant's operations is set forth in the Integrated Plant Safety Assessment Report (IPSAR) (NUREG-0821), dated December 1982, Section 1.4 and Appendix F. An itemization of major NRC requirements which did not exist at the time of the original application is in "Conversion of Provisional Operating Licenses to Full-Term Licenses," SECY-83-19, dated January 17, 1983, at



Tables 4 through 6. Exemptions from the NRC's regulations granted to the facility have previously been noticed in the Federal Register and are as follows: relief from certain inservice inspection requirements, 42 FR 31201, June 20, 1977; exemption from certain emergency core cooling system requirements, 43 FR 20880, May 15, 1978; exemption from certain containment leak rate testing requirements, 43 FR 15813, April 14, 1978; revision of inservice inspection relief, 46 FR 29576, June 2, 1981; and exemption from certain annual emergency planning exercise requirements, 48 FR 13299, dated March 30, 1983. Items (1) - (6) noted above as well as SECY-83-19 are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, DC, and at the Rochester Public Library, 115 South Avenue, Rochester, New York 14627.

Dated at Bethesda, Maryland, this    day of December, 1983.

FOR THE ATOMIC SAFETY AND LICENSING BOARD

Herbert Grossman, Chairman  
Administrative Judge

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

Docket No. 50-244

Michael L. Slade  
12 Trailwood Circle  
Rochester, New York 14618

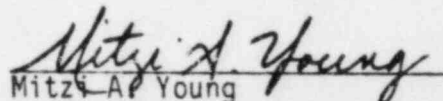
\*Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Mr. John E. Maier  
Vice President  
Electric and Steam Production  
Rochester Gas and Electric Corporation  
89 East Avenue  
Rochester, New York 14649

New York State Attorney General's Office  
Consumer Frauds - Energy Utility Division  
Room 4615  
Two World Trade Center  
New York, NY 10047

\*Atomic Safety and Licensing  
Appeal Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

\*Docketing & Service Section  
Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

  
Mitzi A. Young  
Counsel for NRC Staff