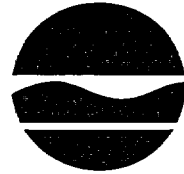


**New York State Department of Environmental Conservation
Division of Environmental Permits, Region 8**

6274 East Avon-Lima Road, Avon, New York 14414-9519

Phone: (585) 226-2466 • FAX: (585) 226-2830

Website: www.dec.state.ny.us



Erin M. Crotty
Commissioner

April 16, 2003

Mr. John Prill
Rochester Gas and Electric Corporation
89 East Ave.
Rochester, N.Y. 14649-0001

Re: Application ID # 8-5434-00010/00010
SPDES Permit - Department Initiated Modification
Addition of a Thermal Study
Associated with the Nuclear Regulatory Commission Operating License Renewal
RG&E Ginna Nuclear Power Plant
Ontario (T), Wayne (C)

Dear Mr. Prill:

The Division of Water, Bureau of Habitat, and Fisheries staff reviewed 316(a) Demonstration and Supplement (March 1977) and have determined that there is a potential for increased fish mortality due to the return of the impinged fish to the discharge canal, which contains elevated temperatures from the cooling water effluent. Therefore, the following changes to the SPDES permit are required to further evaluate this issue:

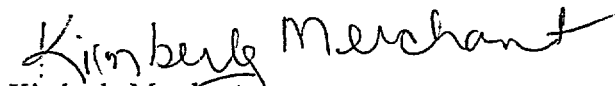
- 1) A new study is proposed as Additional Requirement #17 (see attached).

A draft permit is hereby submitted for your review and comment. Please read the enclosed draft permit pages carefully. If you have any objections to these proposed Department Initiated Modifications, pursuant to 6 NYCRR Part 621.14, you have the right to submit a written statement giving reasons why the permit should not be modified, or requesting a hearing, or both, within 15 calendar days of the mailing date of this notice (approximately May 5, 2003, assuming you receive this by April 21, 2003). If we do not hear from you within this time period we will issue the revised permit with an effective date of July 1, 2003.

Mr. John Prill
RG&E
Page 2

If you have any questions please contact me at the number above. You may also contact Webster Pearsall at 585-226-5339 or Michael Calaban at 518-402-8857.

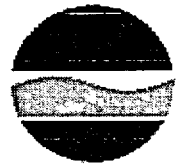
Sincerely,


Kimberly Merchant
Environmental Analyst 1

Enclosure: Notice of Intent to Modify
Draft SPDES Permit

cc: M. Calaban, Bureau of Habitat, NYSDEC, C.O.
W. Pearsall, Fisheries, NYSDEC, Region 8
J. Nasca, Environmental Permits, NYSDEC, C.O.
F. Ricotta, Regional Water Engineer, NYSDEC, Region 8
D. Persson, Division of Water, NYSDEC, Region 8
W. Little, Legal Division, NYSDEC, C.O.
G. Wrobel, RG&E
USEPA Region 2, Permit Administration Branch
R. Schaaf, NRC
L. Vail, Battelle
Supervisor, Town of Ontario

New York State Department of Environmental Conservation
Notice of Intent to Modify



Date: April 14, 2003

Permittee: ROCHESTER GAS & ELECTRIC CORP
89 EAST AVE
ROCHESTER, NY 14649

Facility: ROCHESTER GAS GINNA NUCLEAR POWER PLT
1503 LAKE RD
ONTARIO, NY 14519

Application ID: 8-5434-00010/00003

Permits(s) being Modified. 1 - Article 17 Titles 7 & 8 Industrial SPDES

Project is located: in ONTARIO in WAYNE COUNTY

Project Description.

The Division of Water, Bureau of Habitat, and Fisheries staff reviewed 316(a) Demonstration and Supplement (March 1977) and have determined that there is a potential for increased fish mortality due to the return of the impinged fish to the discharge canal, which contains elevated temperatures from the cooling water effluent. Therefore, the following changes to the SPDES permit are required to further evaluate this issue:

- 1) A new study is proposed as Additional Requirement #17 (see attached page 12 of 13).

State Environmental Quality Review (SEQR) Determination

Project is not subject to SEQR because it is a Type II action.

SEQR Lead Agency None Designated

State Historic Preservation Act (SHPA) Determination

The proposed activity is not subject to review in accordance with SHPA. The permit type is exempt or the activity is being reviewed in accordance with federal historic preservation regulations.

Coastal Management

This project is located in a Coastal Management area and is subject to the Waterfront Revitalization and Coastal Resources Act.

Availability For Public Comment

Comments on this project must be submitted in writing to the Contact Person no later than 04/29/2003

5/5/03

Contact Person

KIMBERLY A MERCHANT
NYSDEC
6274 EAST AVON-LIMA RD
AVON, NY 14414
(585) 226-2466

10. Biological specimens may be required to be submitted to NYSDEC upon request if notice by the Department is given prior to collection.
11. There shall be no discharge of auxiliary boiler chemical cleaning wastes and other metal cleaning wastewaters other than those using boric acid.
12. In regards to general condition #11.5 items c and d shall be reported annually to NYSDEC offices in Avon.
13. The permittee shall submit on an annual basis a report to the Department's offices in Albany and Avon by the 28th of the month next following the end of the period:
 - a. Daily minimum, average, and maximum station electrical output shall be determined and logged.
 - b. Daily minimum, average, and maximum water use shall be directly or indirectly measured or calculated and logged.
 - c. Daily minimum, average, and maximum intake and discharge temperatures shall be logged.
 - d. Measurement in a, b, and c shall be taken on an hourly basis.
14. There shall be no discharge of PCB's from this facility.
15. Radioactivity: Concentrations of radioactivity in effluent are subject to the requirements of the U.S. Nuclear Regulatory Commission license conditions.
16. Ethanolamine (ETA) used for iron transport control at the Ginna secondary system through the feed-water supply shall be maintained at a concentration in Outfall 001 of less than or equal to 0.7 mg/l. Method of determination of this concentration in outfall 001 (Circulating Cooling Water) shall be calculated by the feed rate. A log shall be maintained subject to the reporting requirements of the WTCFX.
17. RG&E shall submit a review of the thermal tolerance literature for lake trout, rainbow trout, brown trout, yellow perch, American eel, alewife, rainbow smelt, spottail shiner, small mouth bass, and three-spine stickleback as a basis for assessing the potential for increased mortality to fish exposed to elevated temperatures in the station's cooling water discharge canal. By EDM + 6 months a scope of work for the report shall be submitted for the Department's review and approval. A final report is due within 12 months of the Department's approval of the scope of work. Both the scope of work and final report are to be submitted to the Chief, NYSDEC Bureau of Habitat - 5th Floor, 625 Broadway, Albany, NY, 12233-4756; and to the Fisheries Office, NYSDEC Region 8 Office, Avon, NY 14414-9519. The Department will review the results of the study and determine whether the current practice of returning fish in the station's cooling water discharge is leading to unacceptable thermal stress and likely increased levels of mortality to impinged fish. Based on this assessment and any other relevant information, the Department will determine whether additional mitigation will be required.