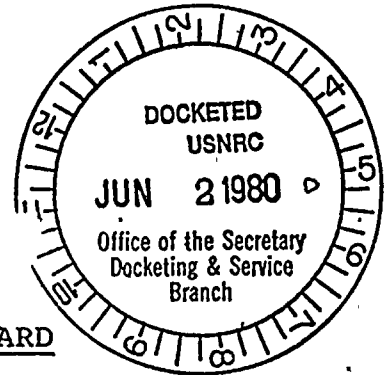


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

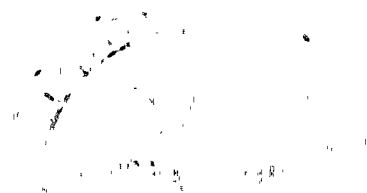


In the Matter of)
)
ROCHESTER GAS AND ELECTRIC)
CORPORATION) Docket No. 50-244
)
(R.E. Ginna Nuclear Power)
Plant, Unit No. 1))

LICENSEE'S RESPONSE TO REQUEST FOR
STATUS REPORT ON PROCEEDING

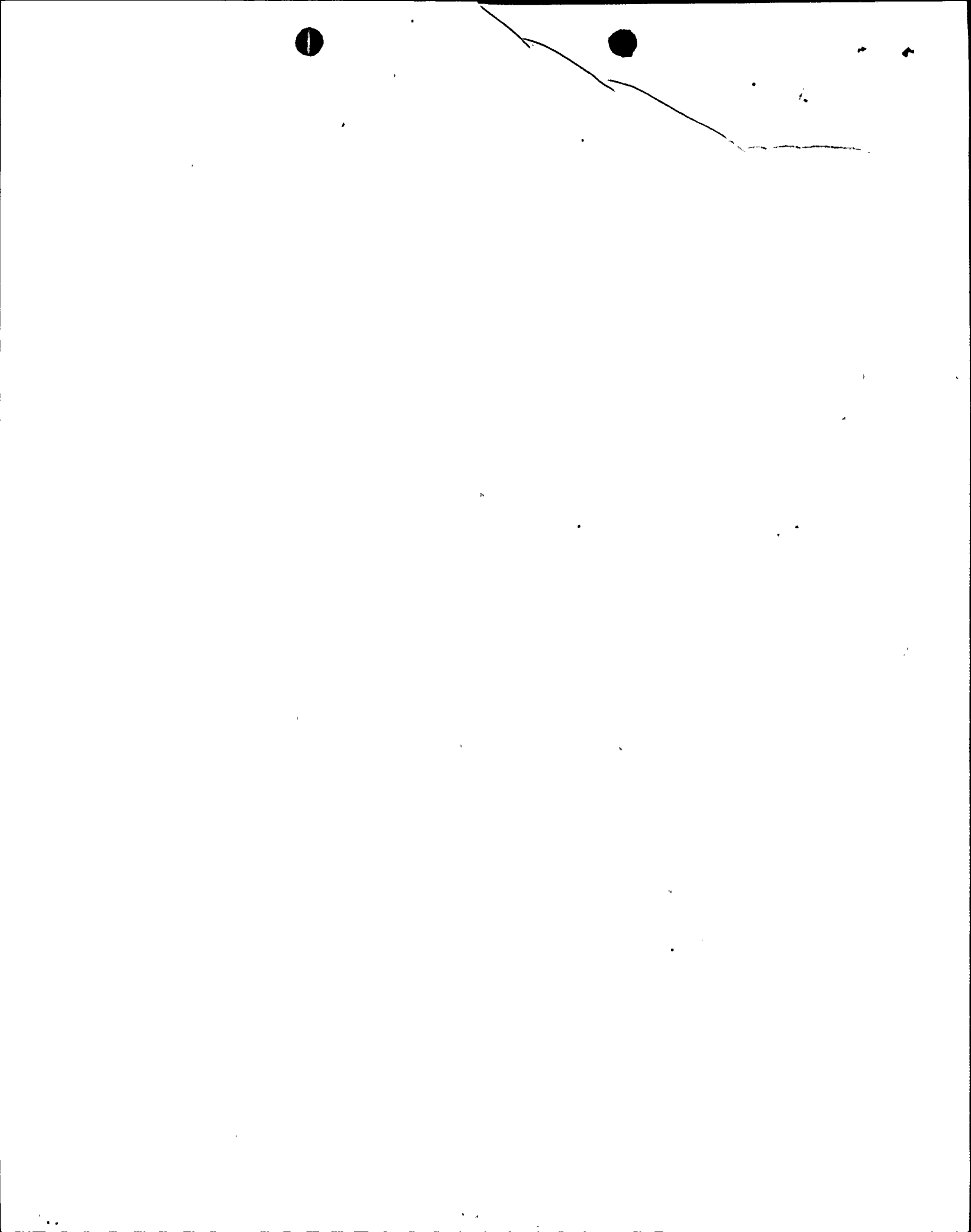
By Order dated April 29, 1980, the Board ordered each of the parties to submit a report on the status of the captioned proceeding. Rochester Gas and Electric Corporation ("Licensee") replies as follows:

1. On August 15, 1972, Licensee filed an application dated August 9, 1972, entitled "Application to Convert Provisional Operating License to Full-Term Operating License Or Alternatively To Extend the Termination Date of the Provisional Operating License" ("Application") for the R. E. Ginna Nuclear Power Plant, Unit No. 1. Following public notice dated November 22, 1972, petitions to intervene were filed by: the State of New York, as an interested state, on January 5, 1973; the Monroe County Conservation Council on January 5, 1973; the Rochester Committee for



Scientific Information ("RCSI") on January 8, 1973; Mr. Michael Slade on January 8, 1973. Licensee answered each of these petitions for leave to intervene on January 17 and 18, 1973. The Commission's Regulatory Staff filed answers to each of the petitions to intervene on January 18, 22, and 23, 1973. On April 18, 1973, notice of the availability of the Commission's Draft Environmental Statement relating to the R. E. Ginna facility was published, inviting public comment.

On May 15, 1973, the Atomic Safety and Licensing Board was established. By order dated June 8 the Board ordered a hearing and admitted petitioner Michael Slade. It denied the petition of RCSI, but allowed RCSI leave to amend its petition. It denied the petition to intervene of Monroe County Conservation Council. The petition of the State of New York was granted. On July 3, 1973, RCSI filed an amended petition, which was answered by Licensee on July 16, 1973 and by the Staff on July 26, 1973. By order dated August 2, 1973, the amended petition of the RCSI was granted. The Board issued a notice of public hearing on August 2, 1973. Answers to the notice of hearing were filed by Licensee and New York State on August 9, 1973. On December 11, 1973, the Board issued a notice and order for pre-hearing conference. On December 19, 1973, notice of



availability of the Commission's Final Environmental Statement for the Ginna facility was published. On December 20, 1973, the first of ten amendments to the Application was filed.*

On March 12, 1974, following several postponements, a pre-hearing conference was held. That same day intervenor Michael Slade filed revisions to his petition to intervene. At the pre-hearing conference, the Board granted Mr. Slade the opportunity to revise and resubmit his contentions. Also on March 12, 1974, RCSI and Licensee reached a stipulation terminating the proceeding as to RCSI, which was filed with the Board on March 13, 1974. On March 26, 1974, the Staff filed a motion for Board approval of an attached stipulation relating to admission of contentions between intervenor Michael Slade and the Staff. On April 5, 1974, Licensee opposed acceptance of the Staff's motion, moved to strike Mr. Slade's contentions, and moved to dismiss his intervention. It also filed an answer to the Staff's motion for approval by the Board of the stipulation relating to the admission of contentions. On April 22, 1974, intervenor Michael Slade replied to Applicant's motion of April 5, 1974. On April 24, 1974, the Staff replied to

* The latest amendment to the Application was filed July 6, 1979.

Licensee's opposition to the stipulation and moved to deny Licensee's motion to dismiss.

On March 25, 1977, the Board issued its order ruling on the contentions of intervenor Michael Slade and denied Licensee's motion to dismiss Mr. Slade's intervention. It set forth the contentions admitted in the proceeding and reaffirmed the participation of the State of New York as an interested state pursuant to 10 C.F.R. §2.715(c). On December 13, 1977, the Commission informed Licensee that the Ginna station was to be included in the Commission's Systematic Evaluation Program ("SEP") for nuclear-powered facilities, results of which would provide an adequate basis for decisions regarding full-term licenses, and that the conversion of all remaining provisional operating licenses to full-term licenses would await completion of the SEP. By letter of December 13, 1977, to the Board, the Staff proposed to initiate discussions with Licensee and Mr. Slade on the impact of the SEP on the proceeding. Licensee is unaware that there have been any such discussions.

On December 14, 1979, Licensee and RCSI filed with the Board a stipulation confirming their earlier stipulation terminating the proceeding as to RCSI dated March 12, 1974. This stipulation further relieved Licensee of certain requirements which were contained in the earlier stipulation.

2. Based on the order of the Atomic Safety and Licensing Board dated March 25, 1977, the following issues remain:

1. Intervenor's Contention A concerning the adequacy of Licensee's Quality Assurance Program;

2. Intervenor's Contention B that Licensee has not demonstrated conformance with the amended ECCS criteria as determined by AEC Docket RM-50-1.

3. Intervenor's Contention D concerning Licensee's alleged violation of applicable federal and New York State water quality standards.

4. Intervenor's Contention E that the environmental analysis for this facility is inadequate because it fails to consider thermal effects of discharged water on lake biota.

5. Intervenor's Contention F that the FES is inadequate because it fails to treat energy conservation alternatives.

6. Intervenor's Contention I that the site contingency plan is inadequate.

7. Intervenor's Contention J that Licensee has failed to provide adequate flood protection.

8. Intervenor's Contention K that Licensee's radwaste systems management program is inadequate.

A copy of the Board's order, setting forth these contentions in detail, is attached.

3. The parties remaining in this proceeding are:

- a) Licensee;
- b) the Nuclear Regulatory Commission Staff;
- c) Mr. Michael Slade, Intervenor; and
- d) the State of New York.

Pursuant to stipulations filed March 12, 1974, and December 14, 1979, the RCSI has indicated its intention to terminate its participation in the proceeding.

4. Licensee's understanding of the future course of action in these proceedings is that the Staff will issue a Safety Evaluation Report ("SER") following completion of the SEP. We understand that the target date for such completion is April 1982. Accordingly, Licensee suggests the following schedule:

- a) two months following issuance of the Staff SER, the Advisory Committee on Reactor Safeguards ("ACRS") meet, make its determinations, and issue its letter regarding its findings within two weeks thereafter;
- b) any necessary supplement to the SER be issued by the Staff two months following receipt of the ACRS letter;

- c) all discovery by parties be terminated within one month following the issuance of any necessary SER supplement;
- d) any further pre-hearing conferences necessary at that time take place within one month following supplementation of the SER;
- e) the hearing should follow as soon thereafter, as possible;
- f) an initial decision be issued within two months following the completion of the hearing; and
- g) assuming that the initial decision is favorable, a full-term operating license be issued immediately thereafter.

5. Licensee recommends that, in light of the Staff's commitment to pursue completion of the SEP prior to issuance of an SER, nothing need be done in this matter until such date as the SEP review has been completed. Thereafter Licensee recommends the schedule suggested in paragraph 4 be pursued. Licensee also recommends that the

Board may wish to review the status of this proceeding in about one year to determine the then-current progress of the SEP and its effect on the schedule for this proceeding.

Respectfully submitted,

LeBOEUF, LAMB, LEIBY & MacRAE

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Dated: June 2, 1980

