

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



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

RESPONSE OF ROCHESTER GAS AND ELECTRIC  
CORPORATION TO ORDER ISSUED JUNE 15, 1983

In response to the order of the Atomic Safety and Licensing Board issued on June 15, 1983, Rochester Gas and Electric Corporation ("Licensee") states:

1. Counsel for Licensee has conferred by telephone with the Commission's Staff Counsel and with Mr. Michael Slade, the Intervenor.

2. a. Licensee is advised that the Commission's Staff intends to issue a Supplement to its Integrated Plant Safety Assessment Report (NUREG-0821), prepared for the Ginna plant in connection with the Commission's Systematic Evaluation Program. We understand that the Supplement is scheduled to be issued by August 31, 1983. In addition, the Staff is scheduled to issue a Safety Evaluation Report with respect to Licensee's application for a full-term operating license, also by August 31, 1983. A supplement to

the SER is scheduled to be issued by October 31, 1983.

- b. Before a hearing can be held on Licensee's application, the application must be considered by the Advisory Committee on Reactor Safeguards and a letter from the ACRS sent to the Commission. We understand that the ACRS is currently scheduled to consider the application in September; this is contingent upon the issuance of Staff's SER, and it is therefore likely that ACRS consideration will be delayed until October, at the earliest.
- c. It is Licensee's position that Mr. Slade should be afforded a reasonable period of time for supplemental discovery concerning recent issuances in this docket as they may related to or affect his existing contentions. We believe that the period for such discovery should not commence until after all future issuances are available. We would then recommend that the Intervenor be given 45 days within which to propound discovery requests, with 45 days thereafter for responses. Since the time when such discovery would be commenced and completed is presently unknown and probably cannot even be estimated accurately, Licensee submits that it is premature to set any further dates at this time.
- d. Since it is premature to schedule a prehearing

conference, no agenda for such a conference is proposed.

- e. Licensee submits that the Licensing Board is not required to, and should not, re-notice the application herein. A Memorandum of Law in support of Licensee's position is being submitted with this response.

Although the attorneys for Licensee are on the service list for this proceeding, Licensee is not. As a result, orders of the Licensing Board are not served on Licensee and must be transmitted by counsel from Washington to Rochester. This can result in significant delays in the receipt of information by Licensee. To rectify this situation, it is requested that the Licensing Board direct that

Mr. John E. Maier  
Vice President  
Rochester Gas and Electric Corporation  
99 East Avenue  
Rochester, N.Y. 14649

be placed on the official service list.

Respectfully submitted,

LeBOEUF, LAMB, LEIBY & McRAE

By Harry H. Voigt  
Harry H. Voigt

Of Counsel:

WILLIAM C. MARCOUX

1333 New Hampshire Avenue, N.W.  
Suite 1100  
Washington, D.C. 20036  
(202) 457-7500

Attorneys for Rochester Gas  
and Electric Corporation

July 15, 1983