

August 2, 2004

Mr. James A. Spina  
Vice President Nine Mile Point  
Nine Mile Point Nuclear Station, LLC  
P.O. Box 63  
Lycoming, NY 13093

SUBJECT: NOTICE OF INTENT TO PREPARE AN ENVIRONMENTAL IMPACT STATEMENT AND CONDUCT SCOPING PROCESS FOR LICENSE RENEWAL FOR NINE MILE POINT NUCLEAR STATION, UNITS 1 AND 2 (TAC NOS. MC3274 AND MC3275)

Dear Mr. Spina:

The U.S. Nuclear Regulatory Commission (NRC) has received your applications dated, May 26, 2004, for the renewal of Operating Licenses DPR-63 and NPF-69 for Nine Mile Point Nuclear Station, Units 1 and 2 (NMP). In support of the applications and in accordance with Title 10 of the *Code of Federal Regulations* Part 51 and Title 10 of the *Code of Federal Regulations* Part 54, (10 CFR) Constellation Energy Group, Inc., (Constellation) submitted an environmental report (ER). This letter provides information related to the staff's review of the NMP ER.

The NRC has prepared a notice of intent advising the public that the NRC intends to gather information necessary to prepare a plant-specific supplement to the Commission's "Generic Environmental Impact Statement for License Renewal of Nuclear Plants," (NUREG-1437) in support of the review of the applications for the renewal of the NMP operating licenses. Enclosed is a copy of the notice of intent, which has been forwarded to the Office of the *Federal Register* for publication.

Pursuant to 10 CFR 51.28, NMP is invited to participate in the environmental scoping process. As discussed in the enclosed notice, the staff is providing the public with two opportunities to participate in the environmental scoping meeting to be held Tuesday, September 21, 2004. The first session will be held in the afternoon and the second session, covering the same subjects, will be held in the evening. The NRC will present an overview of the environmental review process and will describe how the process will be implemented for the review of the NMP license renewal applications. Constellation is invited to participate in both sessions of the meeting by providing a brief description of the proposed action and the ER submitted as part of the applications for license renewal. The meetings will be held at the Town of Scriba Conference Room, 42 Creamery Road, Oswego, New York 13126. A separate NRC meeting notice will be issued with a more detailed agenda. You will be provided a copy of that notice.

J. Spina

-2-

In the interim, should you have any questions regarding the scoping meeting, please contact the NRC Environmental Project Manager, Ms. Leslie C. Fields, at (301) 415-1186.

Sincerely,

***/RA/***

Pao-Tsin Kuo, Program Director  
License Renewal and Environmental Impacts Program  
Division of Regulatory Improvement Programs  
Office of Nuclear Reactor Regulation

Docket Nos.: 50-220 and 50-410

Enclosure: As stated

cc w/enclosure: See next page

J. Spina

-2-

In the interim, should you have any questions regarding the scoping meeting, please contact the NRC Environmental Project Manager, Ms. Leslie C. Fields, at (301) 415-1186.

Sincerely,

**/RA/**

Pao-Tsin Kuo, Program Director  
License Renewal and Environmental Impacts Program  
Division of Regulatory Improvement Programs  
Office of Nuclear Reactor Regulation

Docket Nos.: 50-220 and 50-410

Enclosure: As stated

cc w/enclosure: See next page

**DISTRIBUTION:**

PUBLIC	P. Tam
OGC	T. Madden
OCA	B. Keeling
D. Matthews/F. Gillespie	L. Gerke
P. T. Kuo	T. Combs
J. Tappert	J. Trapp, RGN I
L. Fields	E. Knutson, RGN I
M. Masnik	G. Hunegs, RGN I, (Sr. Resident)
J. Davis	B. McDowell (mcdowell5@lnl.gov)
T. Le	E. Pentecost (epentecost@anl.gov)
Environmental R/F	

Adams Accession no.: **ML042160153**

\*See previous concurrence

Document Name:C:\ORPCheckout\FileNET\ML042160153.wpd

OFFICE	LA:RLEP	GS:RLEP	PM:RLEP	SC:RLEP	OGC: (NLO)	PD:RLEP
NAME	MJenkins*	JDavis* (LFields for)	LFields*	Jtappert (RLE for)	TSmith*	PTKuo)
DATE	07/23/04	07/23/04	07/23/04	07/ /04	07/27/04	08/2/04

OFFICIAL RECORD COPY

UNITED STATES NUCLEAR REGULATORY COMMISSION  
CONSTELLATION ENERGY GROUP  
NINE MILE POINT NUCLEAR STATION, UNITS 1 AND 2  
NOTICE OF INTENT TO PREPARE AN ENVIRONMENTAL  
IMPACT STATEMENT AND CONDUCT SCOPING PROCESS  
DOCKET NOS. 50-220 and 50-410

Constellation Energy Group, Inc., (Constellation) has submitted applications for renewal of Facility Operating Licenses, DPR-63 and NPF-69 for an additional 20 years of operation at the Nine Mile Point Nuclear Station, Units 1 and 2 (NMP). NMP is located on the southeastern shore of Lake Ontario in the town of Scriba, Oswego County, New York. The operating licenses for NMP, Units 1 and 2, expire on August 22, 2009, and October 31, 2026, respectively. The applications for renewal were received on May 26, 2004, pursuant to Title 10 of the *Code of Federal Regulations* Part 54 (10 CFR). A notice of receipt and availability of the applications, which included the environmental report (ER), was published in the *Federal Register* on June 8, 2004 (69 FR 32069). A notice of acceptance for docketing of the applications for renewal of the facility operating license was published in the *Federal Register* on July 21, 2004, (69 FR 43631). The purpose of this notice is to inform the public that the U.S. Nuclear Regulatory Commission (NRC) will be preparing an environmental impact statement (EIS) in support of the review of the license renewal applications and to provide the public an opportunity to participate in the environmental scoping process, as defined in 10 CFR 51.29. In addition, as outlined in 36 CFR 800.8, "Coordination with the National Environmental Policy Act," the NRC plans to coordinate compliance with Section 106 of the National Historic

Preservation Act in meeting the requirements of the National Environmental Policy Act of 1969 (NEPA).

In accordance with 10 CFR 51.53(c) and 10 CFR 54.23, Constellation submitted the ER as part of the applications. The ER was prepared pursuant to 10 CFR Part 51 and is available for public inspection at the NRC Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852, or from the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible at <http://www.nrc.gov/reading-rm/adams.html>, which provides access through the NRC's Electronic Reading Room link. Persons who do not have access to ADAMS, or who encounter problems in accessing the documents located in ADAMS, should contact the NRC's PDR Reference staff at 1-800-397-4209, or 301-415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov). The applications may also be viewed on the Internet at <http://www.nrc.gov/reactors/operating/licensing/renewal/applications.html>. In addition, the Penfield Library, located at State University of New York, Oswego, NY 13126, has agreed to make the ER available for public inspection.

This notice advises the public that the NRC intends to gather the information necessary to prepare a plant-specific supplement to the Commission's "Generic Environmental Impact Statement (GEIS) for License Renewal of Nuclear Plants," (NUREG-1437) in support of the review of the applications for renewal of the NMP operating licenses for an additional 20 years. Possible alternatives to the proposed action (license renewal) include no action and reasonable alternative energy sources. The NRC is required by 10 CFR 51.95 to prepare a supplement to the GEIS in connection with the renewal of an operating license. This notice is being published in accordance with the National Environmental Policy Act of 1969 (NEPA) and the NRC's regulations found in 10 CFR Part 51.

The NRC will first conduct a scoping process for the supplement to the GEIS and, as soon as practicable thereafter, will prepare a draft supplement to the GEIS for public comment. Participation in the scoping process by members of the public and local, State, Tribal, and Federal government agencies is encouraged. The scoping process for the supplement to the GEIS will be used to accomplish the following:

- a. Define the proposed action which is to be the subject of the supplement to the GEIS.
- b. Determine the scope of the supplement to the GEIS and identify the significant issues to be analyzed in depth.
- c. Identify and eliminate from detailed study those issues that are peripheral or that are not significant.
- d. Identify any environmental assessments and other EISs that are being or will be prepared that are related to, but are not part of the scope of the supplement to the GEIS being considered.
- e. Identify other environmental review and consultation requirements related to the proposed action.
- f. Indicate the relationship between the timing of the preparation of the environmental analyses and the Commission's tentative planning and decision-making schedule.
- g. Identify any cooperating agencies and, as appropriate, allocate assignments for preparation and schedules for completing the supplement to the GEIS to the NRC and any cooperating agencies.
- h. Describe how the supplement to the GEIS will be prepared, and include any contractor assistance to be used.

The NRC invites the following entities to participate in scoping:

- a. The applicant, Constellation Energy Group.
- b. Any Federal agency that has jurisdiction by law or special expertise with respect to any environmental impact involved, or that is authorized to develop and enforce relevant environmental standards.
- c. Affected State and local government agencies, including those authorized to develop and enforce relevant environmental standards.
- d. Any affected Indian tribe.
- e. Any person who requests or has requested an opportunity to participate in the scoping process.
- f. Any person who has petitioned or intends to petition for leave to intervene.

In accordance with 10 CFR 51.26, the scoping process for an EIS may include a public scoping meeting to help identify significant issues related to a proposed activity and to determine the scope of issues to be addressed in an EIS. The NRC has decided to hold public meetings for the NMP license renewal supplement to the GEIS. The scoping meetings will be held at the Town of Scriba Conference Room, 42 Creamery Road, Oswego, New York 13126, on Tuesday, September 21, 2004. There will be two sessions to accommodate interested parties. The first session will convene at 1:30 p.m. and will continue until 4:30 p.m., as necessary. The second session will convene at 7:00 p.m. with a repeat of the overview portions of the meeting and will continue until 10:00 p.m., as necessary. Both meetings will be transcribed and will include: (1) an overview by the NRC staff of the NEPA environmental review process, the proposed scope of the supplement to the GEIS, and the proposed review schedule; and (2) the opportunity for interested government agencies, organizations, and individuals to submit comments or suggestions on the environmental issues or the proposed scope of the supplement to the GEIS. Additionally, the NRC staff will host informal discussions

one hour before the start of each session at the Town of Scriba Conference Room. No formal comments on the proposed scope of the supplement to the GEIS will be accepted during the informal discussions. To be considered, comments must be provided either at the transcribed public meetings or in writing, as discussed below. Persons may register to attend or present oral comments at the meetings on the scope of the NEPA review by contacting Ms. Leslie Fields, by telephone at 1-800-368-5642, extension 1186, or by Internet to the NRC at *NineMilePointEIS@nrc.gov* no later than September 17, 2004. Members of the public may also register to speak at the meeting within 15 minutes of the start of each session. Individual oral comments may be limited by the time available, depending on the number of persons who register. Members of the public who have not registered may also have an opportunity to speak, if time permits. Public comments will be considered in the scoping process for the supplement to the GEIS. Ms. Fields will need to be contacted no later than September 17, 2004, if special equipment or accommodations are needed to attend or present information at the public meeting, so that the NRC staff can determine whether the request can be accommodated.

Members of the public may send written comments on the environmental scope of the NMP license renewal review to: Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, Mailstop T-6D59, U.S. Nuclear Regulatory Commission, Washington, D. C., 20555-0001, and should cite the publication date and page number of this *Federal Register* notice. Comments may also be delivered to the U.S. Nuclear Regulatory Commission, Room T-6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, 20852-2738 from 7:30 a.m. to 4:15 p.m. during Federal workdays. To be considered in the scoping process, written comments should be postmarked by October 11, 2004. Electronic comments may be sent by the Internet to the NRC at *NineMilePointEIS@nrc.gov* and should be sent no later than October 11, 2004, to be considered in the scoping process. Comments will

be available electronically and accessible through ADAMS at <http://www.nrc.gov/reading-rm/adams.html>.

Participation in the scoping process for the supplement to the GEIS does not entitle participants to become parties to the proceeding to which the supplement to the GEIS relates. Notice of opportunity for a hearing regarding the renewal applications was the subject of the aforementioned *Federal Register* notice (69 FR 43631). Matters related to participation in any hearing are outside the scope of matters to be discussed at this public meeting.

At the conclusion of the scoping process, the NRC will prepare a concise summary of the determination and conclusions reached, including the significant issues identified, and will send a copy of the summary to each participant in the scoping process. The summary will also be available for inspection in ADAMS at <http://www.nrc.gov/reading-rm/adams.html>. The staff will then prepare and issue for comment the draft supplement to the GEIS, which will be the subject of separate notices and separate public meetings. Copies will be available for public inspection at the above-mentioned addresses, and one copy per request will be provided free of charge. After receipt and consideration of the comments, the NRC will prepare a final supplement to the GEIS, which will also be available for public inspection.

Information about the proposed action, the supplement to the GEIS, and the scoping process may be obtained from Ms. Fields at the aforementioned telephone number or e-mail address.

Dated at Rockville, Maryland, this 2<sup>nd</sup> day of August 2004.

FOR THE NUCLEAR REGULATORY COMMISSION

**/RA/**

Pao-Tsin Kuo, Program Director  
License Renewal and Environmental Impacts Program  
Division of Regulatory Improvement Programs  
Office of Nuclear Reactor Regulation

Nine Mile Point Nuclear Station, Unit Nos. 1 and 2

cc:

Mr. Michael J. Wallace  
President  
Nine Mile Point Nuclear Station, LLC  
c/o Constellation Energy Group, Inc.  
750 East Pratt Street  
Baltimore, MD 21202

Mr. Mike Heffley  
Senior Vice President and Chief  
Nuclear Officer  
Constellation Generation Group  
1997 Annapolis Exchange Parkway  
Suite 500  
Annapolis, MD 21401

Regional Administrator, Region I  
U.S. Nuclear Regulatory Commission  
475 Allendale Road  
King of Prussia, PA 19406

Resident Inspector  
U.S. Nuclear Regulatory Commission  
P.O. Box 126  
Lycoming, NY 13093

Supervisor  
Town of Scriba  
Route 8, Box 382  
Oswego, NY 13126

Mr. James R. Evans  
LIPA  
P.O. Box 129  
Lycoming, NY 10393

Charles Donaldson, Esquire  
Assistant Attorney General  
New York Department of Law  
120 Broadway  
New York, NY 10271

Mr. Paul D. Eddy  
Electric Division  
NYS Department of Public Service  
Agency Building 3  
Empire State Plaza  
Albany, NY 12223

C. Adrienne Rhodes  
Chairman and Executive Director  
State Consumer Protection Board  
5 Empire State Plaza, Suite 2101  
Albany, NY 12223-1556

Mark J. Wetterhahn, Esquire  
Winston & Strawn  
1400 L Street, NW  
Washington, DC 20005-3502

Mr. James M. Petro, Jr., Esquire  
Counsel  
Constellation Energy Group  
750 East Pratt Street, 5<sup>th</sup> Floor  
Baltimore, MD 21202

Mr. Peter R. Smith, President  
New York State Energy, Research, and  
Development Authority  
17 Columbia Circle  
Albany, NY 12203-6399

Mr. Peter A. Mazzaferro  
Site Project Manager - License Renewal  
Nine Mile Point Nuclear Station, LLC  
P.O. Box 63  
Lycoming, NY 13093

Mr. Fred Emerson  
Nuclear Energy Institute  
1776 I St., NW, Suite 400  
Washington, DC 20006-3708

Mr. Mark Flaherty  
Manager - Fleet Licensing  
R.E. Ginna Nuclear Power Plant  
1503 Lake Rd.  
Ontario, NY 14519

Mr. M. Steven Leonard  
General Supervisor - Nuclear Regulatory  
Matters  
Nine Mile Point Nuclear Station, LLC  
P.O. Box 63  
Lycoming, NY 13093

Nine Mile Point Nuclear Station, Unit Nos. 1 and 2

cc:

The Honorable Stephen P. Lyman  
County Administrator  
46 East Bridge Street  
Oswego, NY 13126

The Honorable Russ Johnson  
Chairman, Oswego County Legislature  
County Office Building  
46 East Bridge Street  
Oswego, NY 13126

The Honorable John Gosek  
Mayor of Oswego  
City Hall  
13 West Oneida Street  
Oswego, NY 13126

Ms. Carla Logan  
1005 Brandon Shores Road  
Baltimore, MD 21226

Ms. Jennifer Hill  
Chamber of Commerce  
156 West Second Street  
Oswego, NY 13126

Ms. Nancy Bennett  
Penfield Library  
State University of New York  
Oswego, NY 13126