

August 11, 2004

The Honorable Emerson Webster, Chief  
Tonawanda Band of Senecas  
7027 Meadville Road  
Basom, NY 14013

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION REVIEW OF NINE MILE POINT  
NUCLEAR STATION, UNITS 1 AND 2 LICENSE RENEWAL APPLICATION

Dear Chief Webster:

The U.S. Nuclear Regulatory Commission (NRC) is seeking input for its environmental review of applications from the Constellation Energy Group, Inc. (Constellation) to renew the operating licenses for the Nine Mile Point Power 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. NMP is in close proximity to lands that may be of interest to the Tonawanda Band of Senecas. As described below, the NRC process includes an opportunity for public and inter-governmental participation in the environmental review. We want to ensure that you are aware of our efforts and, pursuant to Title 10 of the *Code of Federal Regulations* Part 51.28(b) (10 CFR Part 51.28), the NRC invites the Tonawanda Band of Senecas to provide input to the scoping process relating to the NRC's environmental review of the application. In addition, as outlined in 36 CFR 800.8, the NRC plans to coordinate compliance with Section 106 of the National Historic Preservation Act of 1966 through the requirements of the National Environmental Policy Act of 1969.

Under NRC regulations, the original operating license for a nuclear power plant is issued for up to 40 years. The license may be renewed for up to an additional 20 years if NRC requirements are met. The current operating licenses for NMP Units 1 and 2 will expire in August 2009 and October 2026, respectively. Constellation submitted its applications for renewal of the NMP operating licenses on May 26, 2004.

The NRC is gathering information for a NMP-specific supplement to its "Generic Environmental Impact Statement for License Renewal of Nuclear Plants" (GEIS), NUREG-1437. The supplement will contain the results of the review of the environmental impacts on the area surrounding the NMP site that are related to terrestrial ecology, aquatic ecology, hydrology, historic and archaeological resources, and socioeconomic issues (among others) and will contain a recommendation regarding the environmental acceptability of the license renewal action.

The NRC will hold two public scoping meetings for the NMP license renewal supplement to the GEIS on September 21, 2004, at the Town of Scriba Conference Room, 42 Creamery Road, Oswego, New York, 13126. 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. Additionally, the NRC staff will host informal discussions one hour before the start of each session. To be considered, comments must be provided either at the transcribed public meetings or in writing. No formal comments on the proposed scope of the supplement to the GEIS will be accepted during informal discussions.

The application is electronically available for inspection from the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS) under Accession Number ML041490211. ADAMS is accessible at <http://www.nrc.gov/reading-rm/adams.html> which provides access through the NRC's Public Electronic Reading Room (PERR) link. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's Public Document Room (PDR) Reference staff at 1-800-397-4209, 1-301-415-4737, or by e-mail at [pdr@nrc.gov](mailto:pdr@nrc.gov). In addition, the application can be viewed on the Internet at <http://www.nrc.gov/reactors/operating/licensing/renewal/applications.html>.

A paper copy of the application can be viewed at the NRC's PDR, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, 20852-2738; and at the Penfield Library, located at State University of New York, Oswego, New York, 13126. The GEIS, which assesses the scope and impact of environmental effects that would be associated with license renewal at any nuclear power plant site, can also be found on the NRC's website or at <http://www.nrc.gov/reading-rm/pdr.html> NRC's PDR.

Please submit any written comments that the Tonawanda Band of Senecas may have to offer on the scope of the environmental review by October 11, 2004. Comments should be submitted by mail to the U.S. Nuclear Regulatory Commission, Chief, Rules and Directives Branch, Division of Administrative Services, Mail Stop T-6D59, 11545 Rockville Pike, Rockville, Maryland 20852-2738, or by e-mail to [NineMilePointEIS@nrc.gov](mailto:NineMilePointEIS@nrc.gov). At the conclusion of the scoping process, the NRC staff will prepare a summary of the significant issues identified and the conclusions reached and will mail a copy to you.

The NRC will issue the draft supplemental environmental impact statement (SEIS) for public comment (anticipated publication date, April 2005), and will hold another set of public meetings in the site vicinity to solicit comments on the draft. A copy of the draft SEIS will be sent to you for your review and comment. After consideration of public comments received on the draft, the NRC will prepare a final SEIS. The issuance of a final SEIS for NMP is planned for November 2005. If you need additional information regarding the environmental review process, please contact Ms. Leslie C. Fields, Environmental Project Manager, 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

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Office of Nuclear Reactor Regulation

Docket Nos.: 50-220 and 50-410

Distribution: See next page

Adam Accession No.: **ML042250412**

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DISTRIBUTION: Ltr. to the Honorable E. Webster, Re: NMP Dated: August 11, 2004  
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Nine Mile Point Nuclear Station  
Unit Nos. 1 and 2

-2-

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