

January 5, 2005

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

SUBJECT: ISSUANCE OF ENVIRONMENTAL SCOPING SUMMARY REPORT
ASSOCIATED WITH THE STAFF'S REVIEW OF THE APPLICATION BY NINE
MILE POINT NUCLEAR STATION, LLC FOR RENEWAL OF THE OPERATING
LICENSES FOR NINE MILE POINT NUCLEAR STATION, UNITS 1 AND 2
(TAC NOS. MC3274 AND MC3275)

Dear Mr. Spina:

From August 9, 2004 through October 11, 2004, the Nuclear Regulatory Commission (NRC) conducted a scoping process to determine the scope of the NRC staff's environmental review of the application for renewal of the operating licenses for the Nine Mile Point Nuclear Station, Units 1 and 2, submitted by Nine Mile Point Nuclear Station, LLC by letter dated May 26, 2004. As part of the scoping process, the NRC staff held two public environmental scoping meetings in Oswego, New York on September 21, 2004, to solicit public input regarding the scope of the review. The scoping process is the first step in the development of a plant-specific supplement to NUREG-1437, "Generic Environmental Impact Statement for License Renewal of Nuclear Plants (GEIS)," for the Nine Mile Point Nuclear Station.

The NRC staff has prepared the enclosed environmental scoping summary report identifying comments received at the September 21, 2004, license renewal environmental scoping meetings, and from two **comment letters received during the scoping period**. In accordance with 10 CFR 51.29(b), you are being provided a copy of the scoping summary report. The transcripts of the meetings can be found as an attachment to the meeting summary. The meeting summary is available for public inspection in the NRC Public Document Room (PDR) located at One White Flint North, 11555 Rockville Pike (first floor), Rockville Maryland or electronically from the Publicly Available Records (PARS) component of NRC's document system (ADAMS) under Accession Number ML043130403. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm.html> (the Public Electronic Reading Room) (Note that the URL is case-sensitive). 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 staff at 1-800-397-4209, or 301-415-4737, or by e-mail at pdr@nrc.gov. (Note: Public access to ADAMS is currently available only through the use of CITRIX software, which can be downloaded from the NRC web site. Please check the NRC Web site for updates on the status of ADAMS access.)

J. Spina

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The next step in the environmental review process is the issuance of a draft supplement to the GEIS scheduled for April 2005. Notice of the availability of the draft supplement to the GEIS and the procedures for providing comments will be published in an upcoming *Federal Register* notice. If there are any questions concerning this matter, please have your representative contact me at (301) 415-1186.

Sincerely,

/RA/

Leslie C. Fields, Project Manager
Environmental Section
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/encl: see next page

J. Spina

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**Environmental Impact Statement
Scoping Process**

Summary Report

**Nine Mile Point Nuclear Station
Units 1 & 2
Town of Scriba
Oswego County, New York**

September

2004



**U.S. Nuclear Regulatory Commission
Rockville, Maryland**

Introduction

On May 27, 2004, the Nuclear Regulatory Commission (NRC) received an application from Nine Mile Point Nuclear Station, LLC (NMPNS) dated May 26, 2004, for renewal of the operating licenses of Nine Mile Point Nuclear Station (NMP), Units 1 and 2. The NMP units are located in Oswego County, New York. As part of the application, NMPNS submitted an environmental report (ER) prepared in accordance with the requirements of 10 CFR Part 51. 10 CFR Part 51 contains the NRC requirements for implementing the National Environmental Policy Act (NEPA) of 1969 and the implementing regulations promulgated by the Council on Environmental Quality (CEQ). Section 51.53 outlines requirements for preparation and submittal of environmental reports to the NRC.

Section 51.53(c)(3) was based upon the findings documented in NUREG-1437, "Generic Environmental Impact Statement for License Renewal of Nuclear Power Plants" (GEIS). The GEIS, in which the staff identified and evaluated the environmental impacts associated with license renewal, was first issued as a draft for public comment. The staff received input from Federal, State and Tribal agencies, public organizations, and private citizens before developing the final document. As a result of the assessments in the GEIS, a number of impacts were determined to be generic to all nuclear power plants. These were designated as Category 1 impacts. An applicant for license renewal may adopt the conclusions contained in the GEIS for Category 1 impacts, absent new and significant information that may cause the conclusions to fall outside those of the GEIS. Category 2 impacts are those impacts that have been determined to be plant-specific and are required to be evaluated in the applicant's ER.

The Commission has determined that the NRC does not have a role in energy planning decision-making for existing plants. The role of energy planning is for State regulators and utility officials. Therefore, an applicant for license renewal need not provide an analysis of the need for power, or the economic costs and economic benefits of the proposed action. Additionally, the Commission has determined that the ER need not discuss any aspect of storage of spent fuel for the facility that is within the scope of the generic determination in 10 CFR 51.23(a) and in accordance with 10 CFR 51.23(b). This determination was based on the Nuclear Waste Policy Act of 1982 and the Commission's Waste Confidence Rule, 10 CFR 51.23.

On August 11, 2004, the NRC published a Notice of Intent in the *Federal Register* (69 FR 48900), to notify the public of the staff's intent to prepare a plant-specific supplement to the GEIS to support the renewal application for the NMP operating licenses. The plant-specific supplement to the GEIS will be prepared in accordance with NEPA, CEQ guidelines, and 10 CFR Part 51. As outlined by NEPA, the NRC initiated the scoping process with the issuance of the *Federal Register* Notice. The NRC invited the applicant; Federal, State, Tribal, and local government agencies; local organizations; and individuals to participate in the scoping process by providing oral comments at the scheduled public meetings and/or submitting written suggestions and comments no later than October 11, 2004. The scoping process included two public scoping meetings, which were held at the Town of Scriba Conference Room in Oswego, New York, on September 21, 2004. The NRC issued press releases, distributed flyers, and advertised in local papers (*Post Standard* and the *Palladium*). Approximately 60 members of the public attended the meetings. Both sessions began with NRC staff members providing a brief overview of the license renewal process and the NEPA process. Following the NRC's prepared statements, the meetings were open for public comments. Fourteen attendees provided either oral comments or written statements that were recorded and transcribed by a

certified court reporter. The transcripts of the meetings can be found as an attachment to the meeting summary, which was issued on November 4, 2004. The meeting summary is available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS) under accession number ML043130403. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm.html> (the Public Electronic Reading Room) (Note that the URL is case-sensitive). (Note: Public access to ADAMS is currently available only through the use of CITRIX software, which can be downloaded from the NRC web site. Please check the NRC web site for updates on the status of ADAMS access.)

The scoping process provides an opportunity for public participation to identify issues to be addressed in the plant-specific supplement to the GEIS and highlight public concerns and issues. The Notice of Intent identified the following objectives of the scoping process:

- Define the proposed action
- Determine the scope of the supplement to the GEIS and identify significant issues to be analyzed in depth
- Identify and eliminate peripheral issues
- Identify any environmental assessments and other environmental impact statements being prepared that are related to the supplement to the GEIS
- Identify other environmental review and consultation requirements
- Indicate the schedule for preparation of the supplement to the GEIS
- Identify any cooperating agencies
- Describe how the supplement to the GEIS will be prepared

At the conclusion of the scoping period, the NRC staff and its contractor reviewed the transcripts and all written material received, and identified individual comments. Two **letters containing comments were also received during the scoping period**. All comments and suggestions received orally during the scoping meetings or in writing were considered. Each set of comments from a given commenter was given a unique alpha identifier (Commenter ID letter), allowing each set of comments from a commenter to be traced back to the transcript, letter, or email in which the comments were submitted.

Table 1 identifies the individuals providing comments and the Commenter ID letter associated with each person's set(s) of comments. The Commenter ID letter is preceded by NMS (short for Nine Mile Point Nuclear Station scoping). For oral comments, the individuals are listed in the order in which they spoke at the public meeting. Accession numbers indicate the location of the written comments in ADAMS.

Comments were consolidated and categorized according to the topic within the proposed supplement to the GEIS or according to the general topic if outside the scope of the GEIS. Comments with similar specific objectives were combined to capture the common essential

issues that had been raised in the source comments. Once comments were grouped according to subject area, the staff and contractor determined the appropriate action for the comment. The staff made a determination on each comment that it was one of the following:

- A comment that was actually a question and introduces no new information.
- A comment that was either related to support or opposition of license renewal in general (or specifically, NMP) or that makes a general statement about the licensing renewal process. It may make only a general statement regarding Category 1 and/or Category 2 issues. In addition, it provides no new information and does not pertain to 10 CFR Part 54.
- A comment about a Category 1 issue that provided new information that required evaluation during the review, or provided no new information.
- A comment about a Category 2 issue that provided information that required evaluation during the review, or provided no new information.
- A comment regarding Alternatives to the proposed action.
- A comment that raised an environmental issue that was not addressed in the GEIS.
- A comment outside the scope of license renewal (not related to 10 CFR Parts 51 or 54), which includes comments regarding the Need for Power.
- A comment on Safety issues pertaining to 10 CFR Part 54.

Each comment is summarized in the following pages. For reference, the unique identifier for each comment (Commenter ID letter listed in Table 1 plus the comment number) is provided. In those cases where no new information was provided by the commenter, no further evaluation will be performed.

The preparation of the plant-specific supplement to the GEIS (which is the SEIS) will take into account all the relevant issues raised during the scoping process. The SEIS will address both Category 1 and 2 issues, along with any new information identified as a result of scoping. The SEIS will rely on conclusions supported by information in the GEIS for Category 1 issues, and will include the analysis of Category 2 issues and any new and significant information. The draft plant-specific supplement to the GEIS will be made available for public comment. The comment period will offer the next opportunity for the applicant; interested Federal, State, Tribal, and local government agencies; local organizations; and members of the public to provide input to the NRC’s environmental review process. The comments received on the draft SEIS will be considered in the preparation of the final SEIS. The final SEIS, along with the staff’s Safety Evaluation Report (SER), will provide much of the basis for the NRC’s decision on the NMP license renewal application.

TABLE 1 - Individuals Providing Comments During Scoping Comment Period

Commenter ID	Commenter	Affiliation (If Stated)	Comment Source and ADAMS Accession Number ^(a)
November 2004		4	Nine Mile Point, Units 1 and 2

NMS-A	Ben Banta	Executive Assistant to the Mayor of Oswego	Afternoon Scoping Meeting
NMS-B	Reuel Todd	Oswego County Sheriff's Department	Afternoon Scoping Meeting
NMS-C	Maureen Quinlan	United Way of Greater Oswego County	Afternoon Scoping Meeting
NMS-D	Jim Spina	Nine Mile Point Nuclear Station	Afternoon Scoping Meeting
NMS-E	Patricia Egan	Oswego County Emergency Management Office	Afternoon Scoping Meeting
NMS-F	Russell Johnson	Oswego County Legislature	Evening Scoping Meeting
NMS-G	Melanie Trexler	United Way of Greater Oswego County	Evening Scoping Meeting
NMS-H	Tim Judson	Citizen's Awareness Network	Evening Scoping Meeting
NMS-I	Tom Dellwo	Citizen's Awareness Network	Evening Scoping Meeting
NMS-J	George Joyce	Operation Oswego County	Evening Scoping Meeting
NMS-K	Ian Smith	Citizen's Awareness Network	Evening Scoping Meeting
NMS-L	Linda Bond-Clark	Citizen	Evening Scoping Meeting
NMS-M	Linda Clark	Citizen	Evening Scoping Meeting
NMS-N	Katherine Hobbs	Citizen	Evening Scoping Meeting
NMS-O	Farouk Baxter	Citizen	Email (ML050040016)
NMS-P	William A. Barclay	Assemblyman, 12 th District	Letter

(a) The afternoon and evening transcripts can be found as an attachment under accession number ML043130403.

The following pages summarize the comments and suggestions received as part of the scoping process, and discuss their disposition. Parenthetical numbers after each comment refer to the Commenter's ID letter and the comment number. Comments can be tracked to the commenter and the source document through the ID letter and comment number listed in Table 1. Comments are grouped by category. The categories are as follows:

1. Comments in Support of License Renewal at Nine Mile Point Nuclear Station, Units 1 and 2
2. General Comments in Opposition to License Renewal and Its Processes
3. Comments in Opposition to License Renewal at Nine Mile Point Nuclear Station, Units 1 and 2
4. Comments Concerning Air Quality Issues
5. Comments Concerning Human Health Issues
6. Comments Concerning Socioeconomic Issues
7. Comments Concerning Alternatives
8. Comments Concerning Environmental Justice
9. Comments Concerning Radiological Impacts
10. Comments Concerning Issues Outside the Environmental Scope of License Renewal: Operational Safety, Emergency Preparedness; Safeguards and Security; Aging Management; Need for Power; and Cost of Power

**Nine Mile Point Nuclear Station (NMP), Units 1 and 2
Public Scoping Meeting
Comments and Responses**

1. Comments in Support of License Renewal at Nine Mile Point Nuclear Station, Units 1 and 2

Comment: I'm here today on behalf of the Honorable John J. Gosek, Mayor of the City of Oswego, New York, to express his support for the operating license renewal of Constellation Energy's Nine Mile Point nuclear energy facility by the United States Nuclear Regulatory Commission. This support is based on several socio-economic reasons.
(NMS-A-1)

Comment: With the demise of our area's once dominant manufacturing-based economy and the emergence of Oswego as the energy producing capital of the Northeastern United States, it is incumbent upon the NRC to ensure that Constellation, a good corporate citizen to the city of Oswego, continues to operate and thrive in this area.
(NMS-A-3)

Comment: In summary, Constellation's license renewal for its Nine Mile Point nuclear facility will ensure future Oswegonians a healthy and stable socio-economic environment, while continuing to make a vital contribution to our country's national security.
(NMS-A-8)

Comment: And I want to say thank you to the people out there. They are wonderful people to work with and they are wonderful neighbors.
(NMS-B-3)

Comment: So on behalf of the agencies that I represent, I want to just take this opportunity to be able to speak to the group today. The support that Constellation gives us does not go unrecognized. We do appreciate everything that Constellation does for our county.
(NMS-C-2)

Comment: In summary, the reason that we've applied for license renewal is that Nine Mile Point is important to the local community. We provide jobs, we pay taxes, and we play a part in our country's energy future. The improvements we've made ensure that we meet today's exacting standards of operation for commercial nuclear facilities.
(NMS-D-5)

Comment: I believe in Constellation's commitment to not only its on site safety issues, but also to the protection of the Oswego County community. Their proven track record in preparedness efforts and attention to the response needs of Oswego County strongly attest to the validity of the request for licensing extension.
(NMS-E-2)

Comment: As the host community, we expect that if re-licensing is granted, Constellation will continue to remain a responsible operator, and maintain a commitment to training its personnel to the highest standards. And they do now, and I think they'll continue in the future. As the host
November 2004

community, we look forward to maintaining our relationship with Constellation, in our joint efforts in emergency management planning and response.
(NMS-F-6)

Comment: During most of my life, I've been a resident with nuclear facilities here in my county. I've always been okay with that. Many of the employees at Unit 1 and 2 are county residents. My hope, and it's greedy hope, is that that number will grow to 100 percent and we'll get all the employees here in Oswego County. We have a great county with loads of beautiful properties and quality of life programs and events that are second to none. Constellation plays a big part in that.
(NMS-F-8)

Comment: As President of Operation Oswego County's Board of Directors, Oswego County's primary economic development agency, it makes good sense to continue operation of Nine Mile Point, for a number of economic reasons.
(NMS-J-1)

Comment: It is essential that we continue to market Oswego County as an energy-generating powerhouse and Constellation as a major contributor to this distinction.
(NMS-J-8)

Response: *The comments are noted. The comments are supportive of license renewal at Nine Mile Point Nuclear Station, Units 1 and 2, and are general in nature. The comments provide no new information; therefore, the comments will not be evaluated further.*

2. General Comments in Opposition to License Renewal and its Processes

Comment: We're based in reactor communities in the northeast, and one of the issues I want to sort of begin by talking about is our lack of confidence in the NRC's license renewal process. This process is, you know, we experience it as a sort of schizophrenic, bifurcated process in which basically the issues that are relevant to the public, that would actually be something that you'd, you know, consider stopping a relicensing for, precluded from being reviewed by things like the generic EIS, and by the way that safety problems are dealt with in the review process.

For instance, there actually was one license extension that was stopped in the history of the nuclear industry, as far as I know, and that was the Yankee Row reactor which was, in 1991, the NRC still had regulations on the books in relation to the license extensions, that actually required that they inspect the reactor components to see how well they're aging and whether they could stand up to another 20 years embrittlement.

And so Yankee Atomic was looking at the reactor pressure vessel to see if it was going to be able to withstand another 20 years of operation. And this was after the reactor had operated for 30 years, which is five less years than what Nine Mile One has run for. And what they actually find in this, you know, pre-inspection, before they even decided to put in their license extension application, was that the reactor vessel was already in violation of NRC standards for embrittlement. And, that in fact, instead of a one in a million chance of a melt down happening, if

they needed to put cool water in the reactor. The reactor was only within a one in ten thousand chance of having a meltdown.

But in fact the reactor vessel could have shattered like glass if they had dumped cold water in it. And curiously enough, after the community rose up in anger about this, and discovered that the NRC was negotiated with the utility to allow them to continue operating the plant, even though it was outside of the safety parameters, the reactor shut down.

And following that, I'm not sure exactly what year it was, but the NRC revised its regulations on license extensions to preclude, so you don't have, so that Nine Mile One doesn't have to go in, or Constellation doesn't have to go in and actually test the systems in the reactor to see how well they're aging before they go ahead and issue a blanket 20-year license renewal. We find this is completely insane.
(NMS-H-1)

Response: *The NRC has established a license renewal process with clear requirements, which are codified in 10 CFR Part 51 and 10 CFR Part 54. The process and requirements were developed to assure safe and environmentally sound plant operation for the extended plant life. In addition, as a basis for the review, the NRC staff uses regulatory documents (including two standard review plans), which describe the methods acceptable to the NRC staff for implementing the license renewal and the techniques used by the NRC staff in evaluating applications for license renewals.*

To date, at the conclusion of the review, the NRC has approved all of the applications for license renewal. The NRC can deny an applicant's request to renew a license. However, the process to renew a license is a reiterative process, such that if the licensee did not provide appropriate or adequate information in their initial application, the NRC would identify the deficiencies and the licensee would be allowed to resubmit the application. This process could, and has, continued until the NRC concludes that the application is sufficient to complete the review. Furthermore, if it appeared to the applicant that the NRC may deny the request for license renewal, the applicant would likely withdraw the request in advance of the formal denial.

The NRC has clearly defined the requirements for license renewal and the nuclear industry has the experience of over a dozen successful license renewal requests. Because of the cost and the commitment associated with an application, it is unlikely that an applicant would intentionally submit an application for license renewal that was so flawed that the NRC staff would issue a denial. Finally, if problems with systems, structures or components of the facility were identified during the review, the applicant would likely be able to make the required modifications or put in place a mitigation plan that would be acceptable to the NRC. Identified problems with active structures, systems, or components would be addressed immediately, and any necessary changes made under the current operating license rather than waiting for the period of extended operation.

The principal safety concerns associated with license renewal are related to the aging of structures, systems and components important to the continued safe operation of the facility. When the plants were designed, certain assumptions were made about the length of time each plant would be operated. During the safety review for license renewal, the NRC must determine whether aging effects will be adequately managed so the original design assumptions will continue to be valid throughout the period of extended operation or verify that any aging effects

will be adequately managed. For all aspects of operation, other than the aging management during the period of extended operation, there are existing regulatory requirements governing a plant that offer reasonable assurance of adequate protection if its license were renewed. Reactor embrittlement is just one example of structure aging that is reviewed during the license renewal process. The Commission requires an applicant to detect and mitigate the effects of aging beginning with examination and verification that the systems, structures or components function as they were originally intended to when they were designed, and that their functions have not been compromised or degraded.

The NRC welcomes public participation in the rulemaking process. There are several ways to participate in rulemaking. The NRC publishes notices of rulemaking activities in the Federal Register to solicit public comment, and may also publish a notice of a meeting or workshop to be held regarding a rule. The Federal Register notice contains information on how to provide specific comments to the NRC. In addition, NRC's RuleForum is a web-based, computer forum that was developed to provide an easy means for a member of the public to access and comment on NRC rulemaking activities. RuleForum contains proposed rulemakings that have been published by the NRC in the Federal Register, petitions for rulemakings that have been received and docketed by the NRC, and other types of documents related to rulemaking. NRC's Technical Conference Forum is a web-based forum that facilitates public participation on NRC issues related to the development of draft rulemakings, draft guidance documents and other initiatives. In addition, members of the public may petition the NRC to develop, change, or rescind a rule.

The comments address the license renewal process. The Commission has established a process by rule for the environmental and safety reviews to be conducted to review a license renewal application. The comments provide no significant, new information related to the Nine Mile Point Nuclear Station License Renewal Application; therefore, the comments will not be evaluated further.

Comment: The other issue is that the NRC changed its regulations in January, so that the public no longer has a right to formal hearings on licensing matters. Just because you live in the, I mean even if you live within the evacuation zone of Nine Mile Point, you don't necessarily have standing within the NRC's jurisdiction to oppose the license renewal.

I mean this is completely crazy. And all we can figure out is that this is basically a way that the NRC has created a license extension process that's a rubber stamp. That as long as Constellation filed its paper work pro forma, that they get the 20 years. Now what's being glossed over in this.
(NMS-H-3)

Response: *The NRC amended its regulations concerning its rules of practice in 10 CFR Part 2. The final rule was published in the Federal Register on January 14, 2004 (69 FR 2182) and became effective on February 13, 2004. The Commission directed the staff to reexamine the procedures governing NRC hearings, with the goal of improving the NRC's hearing process. The rule makes the process for hearings more efficient and effective by establishing different hearing "tracks," consolidating procedures common to all NRC hearings, and improving methods of case management. The purpose of the rule is to reduce the duration, cost, and burden of hearings, while enhancing public participation in NRC proceedings and reducing regulatory burdens on all parties. The requirements for standing, however, remain unchanged.*

Comment: But, to be clear for the rest of the people in the room, the issue, one of the main issues that's really relevant in the rule change is that, the right to a formal hearing is now discretionary by the Commission. That previously most licensing issues would be naturally decided under a Subpart G, in which you would have rights to cross examination, you would have rights to discovery. There would be a panel of three Administrative Law Judges who would hear it and issue a ruling. And we've gone through the type of informal hearing that's likely to be typical under the new NRC rules.

We actually had an informal hearing and the, when we challenged the sale of Fitzpatrick to Entergy. And in that process, it was an informal hearing. We had no rights to cross-examination of witness. We had no rights to discovery, and the Judges didn't actually get to make a ruling. In

fact, there was only one Judge, and it was the Commission, the political appointees of the President that made the ruling. And this is a substantial change. Because we, because CAN has also gone through formal hearings with NRC, before the Atomic Safety and Licensing Board Panel, in decommissioning cases at Yankee Rowe and Connecticut Yankee, and in other issues. And this is a radical departure from what's existed in the past.
(NMS-H-9)

Response: *The Fitzpatrick case was a license transfer case conducted under 10 CFR, Part 2, Subpart M, which applies to license transfers only and not to license renewal cases. Most licensing actions, including license renewal, which were previously decided under 10 CFR Part 2, Subpart G, will now be decided under 10 CFR Part 2, Subpart L, which is a less formal hearing procedure. Under Subpart L, formal discovery and cross-examination have been eliminated. The Commission believes that this will improve case management by avoiding needless delay and unproductive litigation, while easing the burdens of participation in the hearing process for all participants.*

With regard to discovery, the final rule requires the early disclosure of documents, information, and witnesses by all parties, and mandates that the NRC staff prepare a hearing file in proceedings conducted under Subpart L, giving all participants access to relevant information at the start of the hearing process without the need for more formal discovery. This mandatory disclosure mechanism provides for discovery equal to or greater than the "discovery" provisions for on-the-record adjudicatory hearings under the Administrative Procedure Act (APA).

With regard to cross examination, the final rule retains cross-examination for Subpart G hearings. In less formal hearings like Subpart L, the questioning of witnesses will be conducted by the presiding officer, although the parties may submit suggested questions or seek permission to cross-examine witnesses themselves. The Commission believes that cross-examination performed by the parties is usually not the most effective means for ensuring that all relevant and material information with respect to a contested issue is efficiently developed for the record of the proceeding. By contrast, the questioning of witnesses by the presiding officer, complemented by the form of questions submitted by the parties, provides a means for the expedient, focused and well-managed development of an adequate record for decision. Given that the presiding officer bears the ultimate responsibility for the preparation of the initial decision on the contentions or contested matters, it follows that the presiding officer is well suited to assess the record information and the state of the record as the hearing progresses to determine where the record requires further clarification.

After the presiding officer makes an initial decision on the contentions or contested matters, the rules do provide for Commission review of the initial decision.

Comment: Also, I think that a couple of comments simply, you know, just from, I guess just from a member of the community that, why do we have these meetings at places like this, where you can't access information for us? Why don't we have, why don't we have people, are there any members of the community that sit on the Council that gives you, that, you know, that NRC consults with for these kinds of things?

Is there somebody, are there people from Oswego that you invite to come down and talk with you along with all these esteemed scientists? It just seems like people from outside the community, they're scientists. I'm sure that they're very intelligent people, that they know, you know, they know a lot of things about all this stuff. But, it seems like people from the community should be on that panel. I mean, why wouldn't you, why wouldn't you want people from the community to come there and speak about the issues that they would only know, because they're from the community?

(NMS-I-5)

Comment: Some of your categories kind of scared me as I heard that, you know, a significance would be a destabilization of the environment. Wow, I guess is all I can say there. And the other thing, you know, in coming back to the NRC, and I keep in the back of mind is where your salary comes from. And I believe you're paid from the production of nuclear power.

(NMS-L-2)

Comment: And I'm a little bit concerned that the Facilitator here is not neutral. In the classes that I'm studying, it's basically, you know, recommended that the Facilitator be neutral, so as to, you know, basically, it's a way to help the participants gain trust in the process, because, you know, they're not feeling like they're up against a panel of experts. But that, you know, there's a neutral Facilitator who is not, you know, taking sides to run the meeting. So, that would be one suggestion that I would have.

And I'm also very concerned at the lack of participation here, at the lack of residents. And I would say that, you know, that's really something that, you know, in future meetings I think you really need to work on, is how to reach out to the affected public in this case.

(NMS-N-1)

Response: *The primary purpose of the scoping process is to elicit comments from concerned members of the public, regardless of their scientific background, regarding issues that should be considered during the environmental review. Comments received either during public meetings or in written form help the NRC determine the scope of their review. Accordingly, comments from any member of the public are encouraged. Public notices were published prior to the public meeting to notify the public of the opportunity for comment. A website has been established by the NRC specifically to accept e-mail comments. In addition, during the site audit, members of the NRC audit team meet with members of the community specifically to gain insight into the plant's impact on the local environment and economy. The locations of public meeting are usually at public facilities in the community closely surrounding the plant, in this case, the Town of Scriba, and about 60 members of the public attended the public meetings. All comments are welcome and encouraged.*

The NRC attempts to notify all stakeholders of any upcoming reviews. This includes Federal, State, and local agencies, as well as utility staff, and members of the public or citizen advocacy groups that have previously indicated an interest in the regulatory activities related to a specific nuclear power facility. This also includes members of the public and organizations that oppose nuclear power. In addition to notices placed in the Federal Register or in local newspapers, the NRC staff maintains a list of stakeholders (including members of the public or representatives of groups) that have previously attended public meetings related to a specific nuclear power facility or to license renewals, and these stakeholders are sent copies of the meeting notices. Frequently, these groups also receive a courtesy phone call to ensure they have been notified of public meetings on scoping and the preliminary conclusions in the draft SEIS.

The NRC's budget is provided by Congress. Licensees pay fees to the U.S. Treasury to reimburse the government for the cost of the review. Thus, the costs of the development of the license renewal application and the costs of the review are paid for by the licensee and ultimately by electricity consumers.

The NRC, like other state and federal agencies such as the EPA, uses internal, professionally trained, facilitators to facilitate public meetings. This not only allows the agency to supplement its use of external facilitators who would be under contract to NRC, but also can contribute to a more productive meeting from the public's perspective because of the internal facilitator's knowledge of agency policy and process. The internal facilitator can use this knowledge to prompt the NRC staff to provide more comprehensive and pertinent information to the public on various issues of concern. Since the NRC facilitator in the Nine Mile case, the Special Counsel for Public Liaison, has no responsibilities for carrying out the NRC review of the Nine Mile Point license renewal application, there would be no basis for bias either for or against the proposed action.

3. General Comments in Opposition to License Renewal at Nine Mile Point Nuclear Station, Units 1 and 2

Comment: And so the risks are getting greater and greater and the benefits are getting worse and worse. And we think that that needs to be included in the environmental impact statement. Not that we believe that it will stop it, but it at least needs to be considered, thank you.
(NMS-H-8)

Comment: The biggest concern I've, that's come to my mind in listening to what's going on here, is that the message coming out of this room to residents of Oswego, which I count myself among, which I count my family amongst, is that we're economically dependent, indebted to, have no alternatives to living with nuclear energy. That they provide jobs, an ever dwindling number of jobs, as we've heard, which compromises the safety of the plant, staffing it with fewer and fewer people, but jobs nonetheless.
(NMS-K-1)

Comment: There's just a lot of things that I think need to be looked at a little bit closer, and I wish that the community at this point didn't feel so beat down, you know, after so many years that they couldn't get a little bit more involved in.
(NMS-M-7)

Response: *The comments are noted. The comments oppose license renewal at Nine Mile Point Nuclear Station, Units 1 and 2, and do not provide new information. These comments are not within the scope of 10 CFR Part 51 for the environmental review associated with the license renewal application for Nine Mile Point Nuclear Station. Therefore, these comments will not be evaluated further in the SEIS.*

4. Comments Concerning Air Quality Issues

Comment: The other thing that I would like to totally debunk, is this notion that there are no greenhouse gases associated with nuclear power. For every single gram of water vapor that comes off of those nuclear plants, you're talking 540 calories. For every single gallon or gram of heat, of heat pollution that's pumped into that lake, is adding to global warming.

And I've yet to see any scientific studies come out of this, but certainly maybe that's something the NRC could do. What is the global warming potential coming out for vaporization as well as the heat coming off of the nuclear plant.

The Day After, that film was catastrophic. And maybe it's not going to happen as quickly as what was portrayed in that movie. And I'm not sure if any of you know The Day After, but it shows global warming and, you know, the flooding of New York City, melting of the ice caps and so on.

But our ice caps are melting like they never have before. The earth is warming, whether that's human-caused or nature-caused, there's a great debate on that. But the fact remains that in order for a nuclear plant to operate safely, the water has to be a certain degrees. And as the water continues to increase and increase in temperature, you're looking at potential problems. (NMS-L-6)

Response: *Our atmosphere is a dynamic system in which climate naturally fluctuates from warm to cold and back again. These fluctuations are kept in balance by naturally occurring clouds and greenhouse gases (i.e., water vapor, CH₄, NO₂, O₃, and CO₂). This energy balance can be gradually influenced by human activities, primarily CO₂ emissions from consumption of fossil fuels (such as coal and natural gas), CH₄ emissions coming from the production of fossil fuels (e.g., from the decomposition of organic wastes in municipal solid waste landfills, and the raising of livestock), and O₃, which is formed from the emissions of nitrogen oxides and volatile organic compounds (from automobile exhausts, industrial stack emissions, gasoline vapors, and solvents). Although water vapor is a greenhouse gas, releases from human sources such as a nuclear power plant cooling tower are inconsequential since atmospheric water vapor tends to provide a self-regulating mechanism. For example, clouds are regulators of the radiative heating on our planet as they reflect a large part of the incoming solar radiation but also absorb the outgoing longwave (LW) radiation (also known as infrared or thermal radiation) emitted by the warmer earth. Although water vapor emitted from a cooling tower forms a cloud, it is a localized phenomena of inconsequential influence on natural global cloud formation-dissipation.*

The comment is noted. Air quality impacts from plant operations were evaluated in the GEIS and found to be minimal. These emission are regulated through permits issued by the U.S. Environmental Protection Agency and the States. Air quality effects of transmission lines is a Category 1 issue as evaluated in the GEIS. The comment provides no new information and, therefore, will not be evaluated further.

5. Comments Concerning Human Health Issues

Comment: Well, one of the issues that's been talked about a lot tonight is the issue of the health impact on the community from these nukes operating. I mean we live, you know, within a few miles here of the fifth most polluting nuclear station in the country. Nine Mile Point has released something like 3.7 million curies of radioactive waste into the surrounding environment in the last 35 years. I mean and, you know, since these numbers are all sort of arcane, I mean, to give you a sense of it.

You know, your typical large medical research center, like Sloan-Kettering down in New York, with about a thousand labs where they use radioactive materials, typically has about two curies of radioactive material on-site. And that's almost two million times more radioactive waste that's been released into this community, than you have in a large medical research facility at any one time. What's the impact of that? And I mean, and the thing is, it doesn't take a rocket scientist to know that there's severe public health problems in this county. I mean you can hardly go to a grocery store in Oswego and not see tin cans sitting out collecting money for people who have cancer who can't afford treatment.

(NMS-H-4)

Comment: I mean essentially, you know, in terms of this issue of epidemiological studies in reactor communities, reactor communities are in rural communities where there aren't a whole lot of people. And any epidemiologist will tell you that epidemiology is a crude science, in terms of the fact that if you don't have a whole lot of people in your sample, you can't necessarily detect a problem, even if there is one.

One of the things that I think is most dismaying about this process, because, you know, I'm one of these sort of crazy people who stays involved and going to these meetings. And I was at the meetings for the Ginna reactor that had a license extension last year. And at this, at one of these environmental meetings, for the Ginna reactor, this issue of the routine releases came up and the health effects on the community.

Somebody from the community was asking about it. And one of the NRC staff people, who was portrayed as the expert, NRC's expert on that issue, in the room, actually got up and said, well, you don't really notice health effects from radiation exposure until you get a dose of about 10,000 millirem.

And I was sort of flabbergasted by this. I mean, millirems, who knows what the hell they are. But the NRC's legal limit for exposure to radiation for a member of the public, from a plant, is 100 millirem. And the reason that I thought this was crazy that he said this, is because the NRC actually has a standard that they use when they look at this. And separate from their statement that 100 millirems is the legal limit, the NRC's estimate of what would happen in a population

exposed to 100 millirem, is that you would have one additional cancer fatality, per year, for every 286 people that's exposed.

Now, so that's the legal limit that NRC has declared for public exposure to the operation of these plants. That means in a county the size of Oswego, hundreds of people could you dying a year, from the operation of the plant, and it's legal. It's within legal limits. And so when they say that

they're, you know, within, well within the NRC's limits for releases from the plant and public exposure, what does that mean? Ten people are dying a year because of these plants, 20 people, five? I mean how many people is it worth to keep these plants going?
(NMS-H-6)

Comment: As a matter of fact, the Yucca Mountain Site, they have to guarantee safety for 10,000 years. Ten thousand years. There was comments on people on the panel. I would like you to add to that list teachers, who are seeing a raise in learning disabilities, especially in various pockets where there might be high accumulation. Nurses, Home Health Aides, who actually get into the homes and see these people. I did an environmental impact, well actually I did a study called the Protocols of Radionuclide Sampling in 1990. And as I did the study, I evaluated both NRC data and New York State health data. And what I saw was poor science, I guess to put it the best. They were comparing apples to oranges. Your control site was way too close to your sample site.
(NMS-L-8)

Comment: The other thing that concerns me with the environmental studies is they are assessed for, you know, how are they easiest to get to. In other words, you put your sampling stations, you know, beside the road and not really where the high quotient areas might be. And I think maybe even though it might be difficult to get to, perhaps, I would like to see sampling sites changed and a little bit more consistency in the data, and also timely reports published.
(NMS-L-10)

Response: *The comments are noted. Radiation exposure to the public during the license renewal term is a Category 1 issue that was evaluated in the GEIS. Health effects from radiation are a well-studied environmental hazard according to the General Accounting Office. Over 86,000 studies have been performed on the biological effects of radiation, and none of the scientifically valid studies shows any radiation effects at doses less than 10,000 millirem. According to the Health Physics Society (www.hps.com) "below the dose of 10,000 millirem, estimations of adverse health effect is speculative. Collective dose remains a useful index for quantifying dose in large populations and in comparing the magnitude of exposure from different radiation sources. However, for a population in which all individuals receive lifetime doses of less than 10,000 millirem above background, collective dose is a highly speculative and uncertain measure of risk and should not be quantified for the purposes of estimating population health risks."*

In 1990, the U.S. Congress requested the National Cancer Institute to study cancer rates in the areas surrounding nuclear facilities, such as nuclear power plants, to determine if there are detrimental effects on the population. NMP was included in the study. This extensive report found no evidence of a link between operating nuclear power plants and any increase in cancers. In addition, there are no indications in any of the scientific studies that low-level radiation exposure is harmful to children or a contributory factor to infant mortality. The evaluation of health effects due to radiation exposure is an ongoing activity involving public, private, and international institutions. The staff is not aware of any new information or studies that would call into question the conclusion in the GEIS.

The NRC is reviewing recent radiological effluent and environmental monitoring reports to ensure that there is no significant new information specific to NMP. The amounts of radioactive materials released to the environment in the effluents from NMP are limited by NRC and EPA

regulations. 40 CFR Part 190 limits the radiation dose to a member of the public to 25 millirem/year to the whole body from the entire fuel cycle including NMP. NMP's most recent annual radiological effluent monitoring reports indicate that the dose to the maximally exposed individual living, working, or recreating near the plant boundary would be less than a few millirem/year. By comparison, the annual average radiation dose due to natural sources of radiation is over 200 millirems/year. Between 1971 and 1976, NMP released approximately 3.7 million Curies of fission and activation gases before the augmented offgas system was installed. The largest annual releases from NMP (approximately 1.3 million Curies) occurred in 1975. These releases were within the regulatory limits enforced at the time in 10 CFR Part 20. The dose to a member of the public would have been much less than 500 millirem/year - probably less than 100 millirem /year and considerably less than the dose from natural sources of radiation. The amount of fission and activation gases released from NMP was significantly reduced after the augmented offgas system was installed in 1977.

The comments will not be evaluated further.

Comment: I remember the first question I ever asked the NRC was pertaining to the 765KV lines, and if I would get shocked, you know, by them on our farm. And the Public Relations man for the NRC said to me, Linda, your animals have learned to avoid shock and so can you. And from that moment on, I decided that maybe this ought to be something I should look into. (NMS-M-1)

Response: *There are no 765 kilovolt (kV) transmission lines connected to NMP. The highest voltage in any of these lines is 345 kV. NRC has determined that the potential impacts of electric shock during the license renewal period are small if transmission lines connected to NMP are constructed and operated in compliance with the National Electrical Safety Code. The SEIS will describe the power transmission system in the vicinity of the NMP and will describe the impacts associated with the power transmission lines. The need for any additional mitigation measures during the license renewal term will be evaluated and the results of this evaluation will be presented in the SEIS.*

6. Comments Concerning Socioeconomic Issues

Comment: Constellation's presence in Oswego is reflected not only by its healthy payroll and considerable purchasing clout, but also by its social commitment to Oswego. Constellation's community-spirited employees volunteer hundreds of their personal time, undertaking many civic minded projects, all for the betterment of our community. (NMS-A-4)

Comment: Constellation Energy is the largest giver of our campaign. They raise, a combination of employee and corporate support, approximately a quarter of a million dollars for our campaign, that's 27 percent. Not only the financial resources are critical to the County and to our health and human service agencies, but also the man and women power that we so generously receive, not only United Way but the many health and human service organizations. (NMS-C-1)

Comment: In terms of community support, last year Constellation Energy and its employees provided a total of \$270,000 dollars in support of community organizations and events.

(NMS-D-4)

Comment: Revenues from Constellation help pay for police protection, road maintenance, health services, mandated social services, books and supplies for schools and payroll.

(NMS-F-2)

Comment: I'm here to tell you that Constellation is a significant supporter for the United Way here in our community, as well as many other not-for-profits in our town. Through the generous contributions of their employees and the corporate match, make up about 27 percent of our annual campaign. As well as a wonderful volunteer base of people power, which is really hard to put a price on. If Constellation, if we no longer have the support of Constellation, it could have a tremendous adverse affect to the delivery of human service needs in our county.

(NMS-G-1)

Comment: The contributions of over \$270,000, in 2003, as you've already heard, have helped support community organizations such as Harborfest, the United Way, which Melanie Trexler spoke to. Oswego Hospital, which is obviously the primary hospital in the Oswego County area and SUNY, Oswego, and all of these benefit our community from an economic standpoint.

(NMS-J-3)

Response: *The comments are noted. The comments are supportive of license renewal at Nine Mile Point Nuclear Station, Units 1 and 2. Public services involving education and social services were evaluated in the GEIS and were determined to be Category 1 issues. The comments provide no new information on these public service issues, and therefore, will not be evaluated further.*

Comment: The primary reason, obviously, is economic. Constellation provides hundreds of well paying jobs in this area to its employees and contractors. These important jobs contribute, via home ownership and purchasing power, significant property tax and sales tax revenues to the local economy, revenues that are essential to providing the quality of life we enjoy here in Oswego.

(NMS-A-2)

Comment: Constellation employs roughly 1,300 people in Oswego County. We're the largest private employer in the county. Our payroll is more than \$115 million dollars annually, and we pay nearly \$30 million dollars in local taxes.

(NMS-D-3)

Comment: The importance of the nuclear plants at Nine Mile Point to the local economy cannot be overstated. Constellation Units 1 and 2 employ over 1,200 people locally. Under the current tax agreement from 2005 to 2011, Constellation will be making annual payments of about 7.5 million to Oswego County, 11.6 million dollars to Oswego City School District, and about 990,000 to the town of Scriba. In addition, the utility is making performance payments to local government based on the reactor's outputs. All of Constellation's payments are a significant portion of the annual revenue that local governments and schools depend on to provide the public services it does now.

(NMS-F-1)

Comment: Local purchases by Constellation and the people that it employs help keep local businesses open and in turn, 700 additional jobs are in the community as a result. Constellation has generously contributed to important local community support organizations in the fields of education, economic development and the environment. Therefore, if Constellation's re-licensing application is unsuccessful and the plants must be decommissioned, the economic impact on Oswego County and the surrounding area would be quite damaging to say the least. (NMS-F-3)

Comment: As you've already heard from Russ Johnson, there's over 1,260 good paying jobs. And as Jim Spina, already spoke to, that's well in excess of 150 million in payroll. The 30 million in tax revenue annually, added to the payroll and the multiplier affect, turning that money over in this region in this economy, at least five to seven times, is a very significant and substantial economic impact. (NMS-J-2)

Comment: The energy generation and transmission sector, as a whole, within Oswego County, far surpasses any other single economic sector, with jobs and financial impact. Along with hydro, oil and gas-fired facilities, transmission network and the potential of wind-powered facilities, which are already in discussion, the nuclear production capacity contributes to a diverse and adaptive industry, that is a major part of our county identity. (NMS-J-7)

Comment: But I would like to say to our Legislator, that was here, Russell, that farming is still the largest industry in Oswego County. You know, and I think that even our legislature sometimes forgets that we do have, farming is the largest industry. And we also, you know, do an awful lot of the fishing industry now too.

In the past it has been very discouraging. I mean, when we went to our legislature, let's face it, it was at a time when the Niagra Mohawk and Long Island Lighting Company and all of the other industries wined and dined the legislature to the ultra max. (NMS-M-2)

Comment: First, the plants are vital suppliers of electricity to the region. They have a combined capacity of 1,1775 mw. During the late 1990s, New York States demand for electricity came dangerously close to outpacing supply. It is estimated that as the economy in New York continues to improve, demand for electricity in New York will again meet and even exceed supply. The loss of the electricity generated at the Nine Mile Point units would greatly exacerbate this problem and deny the central New York region a reliable source of electricity. (NMS-P-1)

Comment: Second, the Nine Mile Point nuclear plants play a substantial role in the economy of Oswego County. Constellation Energy is the largest employer in Oswego County providing 1,300 good-paying jobs and a \$115 million payroll. As a result of this employment and the substantial payroll, spin-off jobs in food service, hotel, retail and other service industries have been created. (NMS-P-2)

Comment: In addition, the plants provide tax revenue totaling nearly \$30 million annually for our localities. This revenue helps our municipal governments function and also provides much needed funding for our local school districts. The loss of the Nine Mile Point facilities would reap economic havoc on central New York and severely hamper our local governments' abilities to provide important services to the citizens of central New York.
(NMS-P-3)

Response: *The comments are noted. Socioeconomic issues specific to the plant are Category 2 issues and will be addressed in Chapter 4 of the SEIS.*

Comment: And as these plants get older and as the risk gets greater and as the effects of the operation of these plants get worse, Constellation is paying less taxes. They are employing fewer and fewer people. I mean Constellation announced a year and a half ago that they're going to be laying off more than 20 percent of the workforce by next May. And they're paying less and less taxes every year. I mean they make a big deal out of paying 20 million dollars in taxes in a few years, but that's less than half of what Nine Mile used to pay.

And so it seems to us that, you know, that in terms of this issue about what the community is getting out of it and what Constellation is giving to the community, they'd rather, you know, pay for bands to play at Harborfest, than they would pay an actual property tax.
(NMS-H-7)

Comment: So now the nuclear plants are benefitting from our tax base for their security. It seems to me that if anything, the amount of taxes coming out of Constellation should be raised so as to offset the risk of terror in this community.
(NMS-L-5)

Response: *The comments are noted. Socioeconomic issues specific to the plant are Category 2 issues and will be addressed in Chapter 4 of the SEIS. The comments oppose license renewal at Nine Mile Point Nuclear Station, Units 1 and 2.*

7. Comments Concerning Alternatives

Comment: But my foremost concern in dealing with the environmental impact statement is the fact that the only thing that's, the only way that other sources of energy are looked at in this environmental impact statement, are, say for example, they look at how much power can be generated on the site that Constellation now occupies with wind or with hydroelectric, stuff like that. So even if we could make just as much energy with wind energy, in a large section of the lakeshore, say for example, which gets a great deal of wind. That's not considered because that's not on the site.

I would like to see an environmental impact statement that includes, that looks at how much wind power could be gotten from, from the whole, you know, from the whole Lakeshore of Oswego, in the area of Oswego. Not just on the site where the plant is right now.
(NMS-I-1)

Response: *When evaluating alternatives such as wind power, the staff recognizes that while the existing site might not be feasible to support a specific alternative, the regional area may. Therefore, an evaluation is done on the regional area as a whole rather than focusing*

specifically on the existing plant site. This area will include the lakeshore of Lake Ontario. The feasible wind power alternatives will be discussed in Chapter 8 of the SEIS.

Comment: But, it seems to me if we have to have, if we have to have an emergency evacuation plan for a plant. If we have to have, you know, if there are acceptable limits of radiation being released into the community. Whatever they are, you know, whatever they are. Why would we accept that when we could go to other forms of energy generation that are not, that don't require an evacuation plan? That don't require releases of radiation? I mean, it seems to me that, you know, these plants, they've been here for 40 years now, or at least Nine Mile 1, has. They've had their run, and it just seems like we should be looking at other forms of energy, of energy production. Energy production that doesn't include, you know, radiation releases.
(NMS-I-2)

Comment: You know, it seems like why would we go, why would we take that risk when we could use other forms of energy that don't, that don't give us that risk, and at the same time, you know, we could probably have just as many jobs. Or bring other jobs in that don't require that kind of risk. It just seems like that would be something that you should take into consideration.
(NMS-I-4)

Response: *NRC's requirements to consider the environmental impacts of various alternatives is based on the National Environmental Policy Act (NEPA) of 1969. The purpose of NEPA is to ensure that relevant agencies examine and disclose the potential environmental impacts of their actions before taking the action. NEPA is a procedural statute that does not dictate a decision based on relative environmental impacts. Furthermore, the NRC has no authority or regulatory control over the ultimate selection of future energy alternatives. Likewise, the NRC can not ensure that environmentally superior energy alternatives are used in the future. The NRC makes its decision whether or not to renew the license based on safety and environmental considerations. The final decision on whether or not to continue operating the nuclear plant will be made by the utility, State and Federal (non-NRC) decision-makers. This final decision will be based on economics, energy reliability goals, and other objectives over which the other entities may have jurisdiction. Moreover, given the absence of the NRC's authority in the general area of energy planning, the NRC's identification of a superior alternative does not guarantee that such an alternative will be used.*

As a result, based on the uncertainties involved and the lack of control that the NRC has in the choice of energy alternatives in the future, the Commission decided to exercise its NEPA authority to reject license renewal applications only in cases where there is such an imbalance between the impacts of license renewal and the impacts of the alternatives that it would be unreasonable to allow further consideration of license renewal.

8. Comments Concerning Environmental Justice

Comment: And this is one of our major concerns, is that this is the issue of the routine releases from these plants and the continued operation of them is an environmental justice issue. I mean, here we are in, you know, one of the poorest counties in the state with typically some of the highest unemployment rates in the state, usually 25 to 50 percent higher than the state average, who is saddled with the burden of a polluting nuclear facility that's causing, in part, a large public health problem in the community. Where people are sick, people are getting

cancer, and there's, but it's basically undiagnosed because we live in a poor, rural area, with a low population density, that makes epidemiology irrelevant in most cases.
(NMS-H-5)

Comment: Maybe if we were more affluent we could make a different decision, but we're not. They give us money, they provide entertainment over the summer, so we can take our mind off what's on the horizon every morning when we get up. We can listen to music, you know. So maybe we can't make the decision. That seems to be the, what's coming out of this meeting. I don't think that's necessarily the case.

And I couldn't help but think of, in thinking of how we're wedded to this institution, I couldn't help but think of a line that I'd heard of a different institution about how at this point in our history it's like we're holding a wolf by the ears, and we can neither continue to hang on or safely let go.

Thomas Jefferson described our relationship with slavery that way. And if Hugh Downs described us as the company's county, maybe the two institutions aren't too far apart.
(NMS-K-2)

Comment: So in the past, and awful lot of the citizens in this area have just been knocked down, and knocked down and knocked down, to the point where we felt like we did not really have any say in what's going on. And, yes, we, this county has definitely prostituted itself to the nuclear industry for years here. And it's, you know, it's because we're a rural community, you know, we all know that.

They can't build in an area that has any good, you know, densely populated, that is more than densely populated. And we're a poor community. That's why we ended up with the nuclear plant to begin with.
(NMS-M-3)

Response: *On February 11, 1994, the President issued Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. This Order requires each Federal agency to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects on minority and low-income populations resulting from its actions. The memorandum accompanying the Executive Order directed Federal executive agencies to consider environmental justice under NEPA. The CEQ provided guidance for addressing environmental justice. Although the Executive Order is not mandatory for independent agencies, the NRC has voluntarily committed to undertake environmental justice reviews and the Commission is developing a policy statement on this issue. Specific guidance was formulated by the NRC staff and is found in NRC Office of Nuclear Reactor Regulation Office Instruction LIC-203, Rev. 1, Procedural Guidance for Preparing Environmental Assessments and Considering Environmental Issues.*

To perform a review of environmental justice in the vicinity of the nuclear power plant, the NRC staff examines the geographic distribution of minority and low-income populations within 80 km (50 miles) of the site being evaluated. The staff uses the most recent census data available. The staff also supplements its analysis by field inquiries to such groups as county planning departments, social service agencies, agricultural extension personnel, and private social service agencies. Once the locations of minority and low-income populations are identified, the

staff evaluates whether any of the environmental impacts of the proposed action could affect these populations in a disproportionately high and adverse manner.

The comments are noted. Environmental justice is an issue specific to the plant and will be addressed in Chapter 4 of the SEIS.

9. Comments Concerning Radiological Impacts

Comment: Consistency of samples throughout the years. My brother had a potato farm. And they, the Department of Health came there one time and got his potatoes. Now potatoes would be something that would probably uptake, and I'm not sure if it would be strontium or cesium, I can't really remember.

But they never used his potatoes, and I'm just wondering, you know, maybe they made some french fries or something like that with them. It just didn't make sense to me that they came and they sampled, you know, at least 200 pounds of potatoes and yet never used them. And certainly he was in a high deposition zone.

(NMS-L-9)

Response: *The NRC requires licensees to report plant discharges and results of environmental monitoring around their plants to ensure that potential impacts are detected and reviewed. Licensees must also participate in an interlaboratory comparison program which provides an independent check of the accuracy and precision of environmental measurements.*

In annual reports, licensees identify the amount of liquid and airborne radioactive effluents discharged from plants and the associated doses. Licensees also must report environmental radioactivity levels around their plants annually. These reports, available to the public, provide the results of the sampling of ingestion sources such as milk, fish, invertebrates, and broad leaf vegetation. Radiological environmental monitoring program reports have not shown any significant elevation in radiological contamination of foodstuffs from surrounding farms. The comments provide no new information; therefore, they will not be evaluated further.

Comment: Even when Cornell University's Veterinary College came into our county and said we will pay 100 percent for a study to be done, to see if the radiation is what's killing the fetuses of these cows. Our county legislature said no. We do not want them in this county, it doesn't look

good, you know. So for that reason there was too much political hostility for Cornell to feel that they could come in and still get seed money.

(NMS-M-2)

Response: *The staff believes that, if the Cornell University's College of Veterinary Medicine had sufficient interest in conducting a study, it is unlikely that political hostility would have prevented researchers from pursuing an investigation into the purported stillbirths. The commenter should contact the Field Veterinarian with the New York State Department of*

Agriculture and Markets responsible for the oversight of agricultural animals if future multiple stillbirths occur.

The NRC staff does not believe that radiological releases from NMP were responsible for the stillbirths. Releases from NMP have been within regulatory guidelines established to protect human health. The NRC has not established radiation exposure standards for fish and wildlife because it is assumed that radiation guidelines which are protective of human health also provide adequate protection to plants and animals. The validity of this assumption has been upheld by national and international bodies that have examined the issue, including the National Council on Radiation Protection and Measurement (NCRP Report No. 109, Effects of Ionizing Radiation on Aquatic Organisms, 1991), the International Atomic Energy Agency (IAEA Technical Report Series No. 332, Effects of Ionizing Radiation on Plants and Animals at Levels Implied by Current Radiation Protection Standards, 1992), and the International Commission on Radiological Protection (ICRP Publication 26, 1977). In all of these cases, it has been emphasized that individual organisms may be adversely affected by such radiation levels, but effects at the population level are not detectable. Radiological issues will be addressed in the SEIS.

Comment: We also have, you know, there's so many things that we've learned over the years that I feel like are being ignored. We learned by being on the farm that if we lime heavily, we won't uptake cesium 137 and strontium 90, into our soil as much. We planted red clover on our farm, in a herd at that time, of 59 dairy cows, we had 43 sets of twins. Which would be the exact same thing as if we had 43 women, you know, in this room have that many twins in that kind of a population. We found out through Cornell and extensive testing at the time, that it was because red clover takes up cesium 137, much more than, you know, like cesium is taken up by mushrooms.

So we were probably getting some kind of a split embryo affect at the time. We learned when we went on 20/20 we got farmers all across the nation that live by nuclear plants who experienced the exact same problems we were experiencing. And told us to feed toxic levels of minerals to our cows and that it would help. And we did. And it did help, you know, the cows, depending on what crops we put in, depending on how heavily we limed the soil, you know, all of that made a difference in the amount of isotopes in our milk, and the different kinds of isotopes in our milk.

And sometimes I wonder, you know, you talk about the environmental impact statements, I've never seen anything like that, in any of the environmental impact statements. I feel like they don't really understand the farming community. We have a perfect animal here, we have an animal who is eating in the summer, 80 percent of what goes into its mouth is coming directly off

the land around it. It's a lactating animal that is pregnant, and it's very easy to get the milk from the animal, you know. It would be a perfect study, but yet, has there ever been one done? No, you know.
(NMS-M-6)

Response: *The comments are noted. The radiological impacts of expected releases from the NMP Units 1 and 2 during the renewal period will be discussed in the SEIS. The health effects*

on ecological receptors including cows are not specifically addressed by the regulations. However, it is generally accepted by the scientific community that the regulatory limits established for the protection of the people are also protective of the nonhuman receptors, including plants and animals. The notion of multiple births in cows as a result of low level radiation exposure as suggested by the commenter has not been established scientifically. Such effects are not expected under the current conditions or under the conditions expected during the renewal period around the site.

10. Comments Concerning Issues Outside the Environmental Scope of License Renewal

Operational Safety

Comment: We must be certain that issue No. 1 is safety in operating this facility, and that the security in guaranteeing it to operate safely is assured.
(NMS-A-5)

Comment: But what hasn't changed is our continued focus on safety, the focus of all of our employees on safety for the people that work at the plant and the people that live around the plant.
(NMS-D-1)

Comment: Some examples that attest to Constellation's commitment to the country's preparedness planning program, include some of the following: A well organized approach to drill and exercise developments, which always includes attention to the county's preferences related to training initiatives; a consistent dialogue with the county that addresses safety concerns off site; a willingness to support with expertise, personnel and finances, projects that enhance the county's ability to effectively oversee the radiological preparedness program.
(NMS-E-1)

Comment: Safety has been a concern and always will be with the people of Oswego County who live and work, especially in the communities that host nuclear power plants. Constellation has an acceptable safety record at both Units 1 and 2.
(NMS-F-4)

Response: *The comments are noted and are supportive of license renewal at the Nine Mile Point Nuclear Station. Operational safety, security, and emergency preparedness are outside the scope of evaluation under 10 CFR Part 51 and 54. The comments provide no new information and, therefore, will not be evaluated further.*

Comment: Nine Mile Point does not meet NRC's safety requirements for multi-unit stations.

The two-unit Nine Mile Point Station is adjacent to the single-unit James Fitzpatrick Station, separated only by a chain link fence. For all practical and safety purposes, Nine Mile Point and Fitzpatrick meet the definition of a multi-three-unit station, even though the license holder's of the two facilities are different. This issue becomes especially significant because the Nine Mile Point/Fitzpatrick complex share systems important to safety, and as such NRC regulations must

be applied to this as a three-unit complex when evaluating the Nine Mile Point License Renewal Application. Supporting details are provided below.

Both Nine Mile Point and Fitzpatrick share the same 115 kV preferred offsite power supply that is required by General Design Criteria 17 (GDC-17) for accident mitigation and safe shutdown. The same 115 kV circuit is utilized by all three units of this multi-station complex. This preferred offsite power circuit has marginal capacity and capability such that it may not be able to support an accident in one unit, an orderly shutdown and cooldown of the remaining two units, as required by General Design Criteria 5.

Criterion 5 - Sharing of Structures, systems, and components, states: "Structures, systems, and components important to safety shall not be shared amongst nuclear power units unless it can be shown that such sharing will not significantly impair their ability to perform their safety functions, including, in the event of an accident in one unit, an orderly shutdown and cooldown of the remaining units."

The safety requirements invoked by General Design Criteria 5 are applicable to all multi-unit stations that share systems important to safety; and these safety systems include the preferred offsite power supplies. The fact that ownership of Nine Mile Point and Fitzpatrick are different is incidental to this safety concern, and the technicality of separate ownership, should not preclude the NRC from applying its regulations to the three-unit complex.

In August/September 2001 both plants entered 7-day LCOs because it was determined that the common 115 kV lines feeding both stations did not have the capacity or capability required by each station's Technical Specifications (GDC-17 requirement). Though corrective actions were taken to resolve these Technical Specification non-compliance issues, the resolutions were station specific, and failed to address the three-multi-unit Nine Mile Point/Fitzpatrick complex. (NMS-O-1)

Response: *The comments involve concerns that are relevant to current NMP operation. In accordance with 10 CFR 54.30, these issues are outside the scope of license renewal. The comments have been referred to the NRC operating plant project manager for disposition.*

Emergency Preparedness

Comment: It doesn't include, you know, having to have a plan to how we're going to evacuate the community if something were to happen. And I know that most people say that, you know, that's very unlikely, and it probably is very unlikely. But why even, why even, you know, have that as an option, I mean it just doesn't seem to make sense to me. Even if, even if the plant is

bringing in a great deal of money and, you know, Tim just outlined the fact that they are cutting back on jobs. (NMS-I-3)

Comment: I did get some paperwork on the evacuation and once again I do not see any amount of, the dose that we will be exposed to before evacuations take place, and it's definitely something that I want to know.

I hear a lot about, as far as the evacuation plan, drills for the professionals. What about the citizens? What about the citizens that live in that evacuation plan? And certainly, radiation does not stop at the five mile, at the ten mile, it goes beyond. There's many people in the county who say, hey, I live outside the zone, I don't have any fear. Now, you know, we live in the prevailing westerlies, but that doesn't mean the winds don't zip around to the east under a low pressure system. Now certainly there should be different calls for evacuation depending upon wind direction, or given certain circumstances.

And the thing that I have real concern about is what about letting the citizens participate in these drills. What are you going to do when you have children in an elementary school that are being sent to Watertown and their parents happen to live in a different part and their parents are sent to Syracuse, which is without an evacuation plan.

(NMS-L-7)

Comment: When they first came here, Pat, we talked an awful lot about evacuation, and they laughed in our faces, you know, until Three Mile Island happened, and they decided that maybe evacuation would be a good idea. But really, if we look back over the past 30 years of us working with the evacuation, we have flunked an awful lot more evacuation, you know, mock evacuation procedures than we have passed, you know.

(NMS-M-4)

Response: *The staff considered the need for a review of emergency planning issues in the context of license renewal during its rulemaking proceedings on 10 CFR Part 54, which included public notice and comment. As discussed in the Statement of Considerations for rulemaking (56 FR 64966), the programs for emergency preparedness at nuclear plants apply to all nuclear power plant licensees and require the specified levels of protection from each licensee regardless of plant design, construction, or license date. Requirements related to emergency planning are in the regulations at 10 CFR 50.47 and Appendix E to 10 CFR Part 50. These requirements apply to all operating licenses and will continue to apply to plants with renewed licenses. Through its standards and required exercises, the Commission reviews existing emergency preparedness plans throughout the life of any plant, keeping up with changing demographics and other site-related factors. Therefore, the Commission has determined that there is no need for a special review of emergency planning issues in the context of an environmental review for license renewal.*

The comments are noted. Emergency planning is part of the current operating license. The NRC's environmental review is confined to environmental matters relevant to the extended period of operation requested by the applicant. Although a topic may not be within the scope of review for license renewal, the NRC is always concerned with protecting health and safety. Any matter potentially affecting safety can be addressed under processes currently available for an existing operating license absent a license renewal application. The comments provide no new information, and do not pertain to the scope of license renewal under 10 CFR Part 51 and Part 54. Therefore they will not be evaluated further.

Safeguards and Security

Comment: We as a nation owe it to our citizens to protect them, so providing a safe and secure operation for Nine Mile Point's nuclear facility is of major importance to fulfilling that mandatory obligation.

(NMS-A-6)

Comment: I can tell you that throughout some thirty some years, the cooperation with the plants out here, with Nine Mile 1 and 2, have been absolutely astronomical. They have helped us train our people. They have provided us not only with equipment but with money to provide more equipment, to train their people with our people. We have procedures set up that if we go into the plants, and I'm not going to get into everything, where they put their people with our people so that we are familiar with the way they operate. And we train; once, twice, three times, whatever time we think is needed throughout the year to do this type of training.

(NMS-B-1)

Comment: 9/11 when you talk and you read the newspapers and saw it on the TV, some of the other plants had some what I would call some publicity problems, some press problems, you didn't see it in this area. The people up here have become so used to our people and seeing our people and the police out there with the nuke plants, they are so used to seeing us train and work with the operation out there was not a major flow problem where people were the least bit worried. There was nothing in the press because they train their people to be ready for any type of activity that can happen out there.

And not to say that something never could happen out there, but I would be, I rest well assured and I have relatives that work at that plant, both in the building, and now I rest very comfortably knowing between their security people and our security people, their plant is probably one of the best protected and have some of the best personnel out there -- their security people -- are trained as well as any police agency that I know of. And I certainly have no problem putting my people out there to work and train with these people, and would certainly have no problem if we had another emergency stationing my people out there again.

(NMS-B-2)

Comment: However, in our post-911 world, concerns have expanded beyond every day operational safety, to questions about the nuclear plant's vulnerability to attack. Constellation's nuclear plants are located on international boundaries and are approachable by land and water, as we all know.

(NMS-F-5)

Comment: We also recognize that the county and Constellation have a shared responsibility when it comes to the nuclear power plant's security. And I see Sheriff Todd out there, he played a big part in that, in light of what occurred on September 11th, his Department did. We look

forward to a cooperative and effective partnership with Constellation, in regard to fulfilling this critical responsibility.

(NMS-F-7)

Comment: Besides that, we're now taking the risk of terror. I can remember going to legislative meetings saying to them, there's the possibility of terror, and we were laughed at. Come on, people, you know, you're way out of line now. And now it's become a real issue. So now we're taking the risk of terror and we are paying now for our security of our county out there.

(NMS-L-4)

Response: *Security issues such as safeguards planning are not tied to license renewal but are considered to be issues that need to be dealt with constantly as a part of the current operating licenses. Security issues are periodically reviewed and updated (and extended) at every operating plant. These reviews will continue throughout the period of any extended license. If issues related to security are discovered at a nuclear plant, they would be addressed immediately, and any necessary changes reviewed and incorporated under the operating license rather than waiting for the period of extended operation.*

NRC and other Federal agencies have heightened vigilance and implemented initiatives to evaluate and respond to possible threats posed by terrorists, including the use of aircraft against commercial nuclear power plants and independent spent fuel storage facilities. NRC routinely assesses threats and other information provided to them by other Federal agencies and sources. The NRC also ensures that licensees meet appropriate security requirements. Although NEPA does not require consideration of intentional malevolent acts on a case-by-case basis in conjunction with an environmental review, the NRC, as part of its mission to protect public health and safety and provide for the common defense and security, will continue to focus on prevention of terrorist acts for all nuclear facilities. The issue of security and risk from malevolent acts at nuclear power plants is not unique to facilities that are renewing their licenses. These matters will continue to be addressed through the ongoing regulatory process as a current and generic regulatory issue that affects all nuclear facilities and many of the activities conducted at nuclear facilities.

The comments are noted. The NRC's environmental review is confined to environmental matters relevant to the extended period of operation requested by the applicant. Appropriate safeguards and security measures have been incorporated into the site security and emergency preparedness plans. Any required changes to emergency and safeguards contingency plans related to terrorist events will be incorporated and reviewed under the operating license. The comments provide no new information and do not pertain to the scope of license renewal under 10 CFR Part 51 and 54. The comments will not be evaluated further.

Aging Management

Comment: Especially with the oldest reactor in the country. A reactor that, you know, seven years ago was known as the most embrittled reactor in the U.S., because of its core shroud. And that continues to have embrittlement problems causing leaks and other safety problems in the other cooling systems in the plant, that are essential for safety. So in a certain sense, you know, the relevant issues have already been excluded from the process.
(NMS-H-2)

Comment: There are some things that concern me, especially the long-lived components and being less confident in these long-lived components. And we certainly know in Unit 1 there is, you know, Number one, there's terrorist trouble, there's core shroud trouble, and certainly as these plants continue to age and continue to get metal fatigue, there's certainly of high importance to be looking at.
(NMS-L-1)

Comment: And there's a lot of problems that just aren't even being looked at. There's horizontal cracks in Nine Mile One. Nine Mile One is a very old reactor. Wasn't in less than a

month that we had an unusual occurrence at Nine Mile One, and it had to be manually scrambled, isn't that right? Were you notified, Pat? You know, at what point does, do you get notified of an incident at the plant. We've all been so trained that you notice we never say accident here. It's incident or unusual occurrence, you know.

(NMS-M-5)

Response: *The principal safety concerns associated with license renewal are related to the aging of structures, systems and components important to the continued safe operation of the facility. When the plants were designed, certain assumptions were made about the length of time each plant would be operated. During the safety review for license renewal, the NRC must determine whether aging effects will be adequately managed so the original design assumptions will continue to be valid throughout the period of extended operation or verify that any aging effects will be adequately managed. For all aspects of operation, other than the aging management during the period of extended operation, there are existing regulatory requirements governing a plant that offer reasonable assurance of adequate protection if its license were renewed.*

The comments are noted. The NRC's environmental review is confined to environmental matters relevant to the extended period of operation requested by the applicant. Safety matters related to aging are outside the scope of this review. An NRC safety review for the license renewal period is conducted separately. The comments provide no new information and will not be evaluated further in the context of the environmental review. However, the comments will be forwarded to the project manager for the license renewal safety review for consideration.

Need for Power

Comment: In a larger context, however, another way to protect ourselves is by controlling our destiny. If we could lessen our dependence on foreign-based energy sources, such as oil from the Middle East, we as a nation will be far better off. With the continued turmoil in the Middle East, nuclear powered energy plays a vital and ever increasing role in our government's goal to strengthen our national security by helping us to become energy independent.

(NMS-A-7)

Comment: Nuclear energy and Nine Mile Point specifically is an important source of clean cost-effective electricity. About one in five homes in the United States are powered by nuclear energy. This avoids dependence on foreign oil. Nine Mile Point currently generates enough electricity to power more than 2 million homes. I firmly believe that nuclear energy needs to be part of our country's diversified energy supply now and going forward in the future.

(NMS-D-2)

Comment: The electricity generated at Nine Mile Point is critical to meeting the current and future needs of our region, and that's a very important reason.

(NMS-J-4)

Comment: The plants are reliable and environmentally-friendly, in that they don't emit any greenhouse gases, and they seem to be safe as their almost 40 year history is shown. Cost and reliability are two things that are critical to the future of economic development. Companies looking to come into our county, need to know that they have a reliable and consistent source of power on which to depend.

(NMS-J-6)

Response: *The regulatory authority over utility economics (including the need for power) falls within the jurisdiction of the States and, to some extent, within the jurisdiction of the Federal Energy Regulatory Commission. The proposed rule for license renewal had included a cost-benefit analysis and consideration of utility economics as part of the NEPA review. However, during the comment period, State, Federal and utility representatives expressed concern about the use of economic costs and cost-benefit balancing in the proposed rule and the Generic EIS for License Renewal. They noted that Council on Environmental Quality regulations interpret NEPA to require only an assessment of the cumulative effects of a proposed Federal action on the natural and man-made environment and that the determination of need for generating capacity has always been the States' responsibility. For this reason, the purpose and need for the proposed action (i.e., license renewal) is defined in the GEIS as follows:*

The purpose and need for the proposed action (renewal of an operating license) is to provide an option that allows for power generation capability beyond the term of a current nuclear power plant operating license to meet future system generating needs, as such needs may be determined by State, utility, and, where authorized, Federal (other than NRC) decision-makers.

The comments are noted. The need for power is specifically directed to be outside the scope of license renewal in 10 CFR 51.95(c)(2). The comments are interpreted as expressing support for license renewal at Nine Mile Point Nuclear Station, however, they provide no new information and, therefore, will not be evaluated further.

Cost of Power

Comment: Low cost electricity from Nine Mile Point will help insulate New Yorkers from the full economic impact of the ever-rising oil and gas prices that we see.
(NMS-J-5)

Comment: I'd like to address risk versus benefit. You know, I can remember being a youngster in this county and saying, oh, the benefits, the benefits, too cheap to meter. You'll have all the electricity that you'll ever want. Well now come to find out, nuclear energy is one of our most expensive forms of energy. And often the cost of the mining is hidden. We're not getting the true picture of what this energy is costing us.
(NMS-L-3)

Response: *The comments are noted. The economic costs and benefits of renewing an operating license are specifically directed to be outside the scope of license renewal in 10 CFR 51.95(c)(2). The comments provide no new information and, therefore, will not be evaluated further.*

Summary

The preparation of the plant-specific supplement to the GEIS (called a SEIS) for Nine Mile Point Nuclear Station, Units 1 and 2, will take into account all the relevant environmental issues raised during the scoping process that are described above. The draft SEIS will be made available for

public comment. Interested Federal, State, Tribal, and local government agencies; local organizations; and members of the public will be given the opportunity to provide comments to be considered during the development of the final SEIS. Concerns identified that are outside the scope of the staff's environmental review have been or will be forwarded to the appropriate NRC program manager for consideration.