September 15, 2006

The Honorable Ray Halbritter, Representative
Oneida Indian Nation
5218 Patrick Road
Verona, NY 13478

SUBJECT: REQUEST FOR COMMENTS CONCERNING THE JAMES A. FITZPATRICK NUCLEAR POWER PLANT LICENSE RENEWAL APPLICATION REVIEW

Dear Representative Halbritter:

The U.S. Nuclear Regulatory Commission (NRC) is seeking input for its environmental review of an application from Entergy Nuclear Operations, Inc., (Entergy) for the renewal of the operating license for the James A. FitzPatrick Nuclear Power Plant (JAFNPP), located on Lake Ontario in Oswego County, approximately seven miles northeast of the city of Oswego, New York. JAFNPP is in close proximity to lands that may be of interest to the Oneida Indian Nation. As described below, the NRC's process includes an opportunity for public and inter-governmental participation in the environmental review. We want to ensure that you are aware of our efforts and, pursuant to Title 10 of the *Code of Federal Regulations* Part 51.28(b) (10 CFR 51.28(b)), the NRC invites the Oneida Indian Nation to provide input to the scoping process relating to the NRC's environmental review of the application. In addition, as outlined in 36 CFR 800.8(c), the NRC plans to coordinate compliance with Section 106 of the National Historic Preservation Act of 1966 through the requirements of the National Environmental Policy Act of 1969.

Under NRC regulations, the original operating license for a nuclear power plant is issued for up to 40 years. The license may be renewed for up to an additional 20 years if NRC requirements are met. The current operating license for JAFNPP will expire in October 17, 2014. Entergy submitted its application for renewal of the JAFNPP operating license in a letter dated July 31, 2006.

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

The NRC will hold two public scoping meetings for the JAFNPP license renewal supplement to the GEIS on October 12, 2006, at the Town Municipal Building, 42 Creamery Road, Oswego, New York 13126. There will be two sessions to accommodate interested parties. The first session will convene at 1:30 p.m. and will continue until 4:30 p.m., as necessary. The second session will convene at 7:00 p.m., with a repeat of the overview portions of the meeting, and will continue until 10:00 p.m., as necessary. Additionally, the NRC staff will host informal discussions one hour before the start of each session. To be considered, comments must be provided either at the transcribed public meetings or in writing. No formal comments on the proposed scope of the supplement to the GEIS will be accepted during informal discussions.

The license renewal application (LRA) is publicly available at the NRC Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, or from the NRC's Agencywide Documents Access and Management System (ADAMS). The ADAMS Public Electronic Reading Room is accessible at http://adamswebsearch.nrc.gov/dologin.htm. The accession number for the LRA is ML062160557. Persons who do not have access to ADAMS, or who encounter problems in accessing the documents located in ADAMS, should contact the NRC's PDR reference staff by telephone at 1-800-397-4209, or 301-415-4737, or by e-mail at pdr@nrc.gov.

The JAFNPP LRA is also available on the internet at http://www.nrc.gov/reactors/operating/licensing/renewal/applications/fitzpatrick.html. In addition, the following public libraries have agreed to make the LRA available for public inspection: Penfield Library SUNY, 7060 State Route 104, Oswego, New York 13126; and **Oswego Public Library, 140-142 East Second Street, Oswego, New York 13126**.

The GEIS, which documents the NRC's assessment of the scope and impact of environmental effects that would be associated with license renewal at any nuclear power plant site, can also be found on the NRC's website or at the NRC's PDR.

Please submit any comments that the Oneida Indian Nation may have to offer on the scope of the environmental review by November 14, 2006. Written comments should be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Mail Stop T-6D59, U.S. Nuclear Regulatory Commission, Washington D.C. 20555-0001. Electronic comments may be submitted to the NRC by e-mail at FitzPatrickEIS@nrc.gov. At the conclusion of the scoping process, the NRC staff will prepare a summary of the significant issues identified and the conclusions reached, and mail a copy to you.

The staff expects to publish the draft supplement to the GEIS in August 2007. The NRC will hold another set of public meetings in the site vicinity to solicit comments on the draft. A copy of the draft supplemental environmental impact statement (SEIS) will be sent to you for your

review and comment. After consideration of public comments received on the draft, the NRC will prepare a final SEIS. The issuance of a final SEIS for JAFNPP is planned for April 2008. If you need additional information regarding the environmental review process, please contact Mr. Samuel Hernandez, Environmental Project Manager, at 301-415-4049 or by e-mail at shq@nrc.gov.

Sincerely,

/RA/

Rani L. Franovich, Branch Chief
Environmental Branch B
Division of License Renewal
Office of Nuclear Reactor Regulation

Docket No. 50-333

Enclosure:
JAFNPP Location Map

cc w/encl: See next page

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cc w/encl: See next page

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Enclosure

Letter to R. Halbritter, dated September 15, 2006

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