



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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FEB 21 2007

Chief, Rules Review and Directives Branch
U.S. Nuclear Regulatory Commission
Mail Stop T6-D59
Washington, DC 20555-0001

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RULES AND DIRECTIVES
BRANCH
USNRC

Dear Sir or Madam:

In accordance with Section 309 of the Clean Air Act and the National Environmental Policy Act (NEPA), the U.S. Environmental Protection Agency (EPA) has reviewed the Final Generic Environmental Impact Statement for License Renewal of Nuclear Plants, Supplement 28 (Final Supplemental Environmental Impact Statement (FSEIS)): Oyster Creek Nuclear Generating Station (CEQ # 20070017). The Nuclear Regulatory Commission is proposing to renew the current operating license for the Oyster Creek Nuclear Generating Station (OCNGS) for an additional 20 years.

Background:

This FSEIS was prepared as a supplement to the Nuclear Regulatory Commission's (NRC) 1996 Final Generic Environmental Impact Statement (GEIS), which was prepared to streamline the license renewal process on the premise that in general, the environmental impacts from re-licensing nuclear power plants are similar. That GEIS proposed that NRC will develop facility-specific SEIS documents for individual plants as the facilities apply for license renewal. EPA provided comments on the GEIS during the development process in 1992 and 1996.

The OCNGS is located in Ocean County, New Jersey, on the confluence of the South Branch of the Forked River and Oyster Creek, adjacent to Barnegat Bay. The facility has one unit that is a single boiling water reactor with a power rating of 1930 megawatts of thermal energy and 640 megawatts of electrical power. Plant cooling is provided by a once-through circulating water system that draws water from the Barnegat Bay via the South Branch of the Forked River and discharges to Oyster Creek. EPA commented on the draft supplement EIS in September 2006.

Comments:

Our concern with the use of outdated information and the lack of a complete evaluation of the environmental effects from the continued operation of the facility in the DSEIS remains for the FSEIS. In response to this concern, NRC states that neither NEPA nor the Code of Federal Regulations requires NRC to collect data for analysis. While we agree that NEPA regulations do not mandate quantitative analysis, numerical measurements provide the information necessary to determine the significance of impacts, and differentiate alternatives. This type of quantification of impacts has become standard practice for many types of impact analysis including those carried out

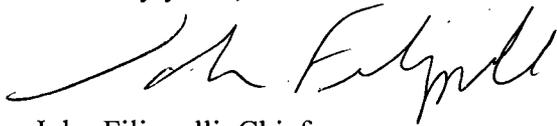
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for hydroelectric facility relicensing. Also, the Council on Environmental Quality's overarching guidance is for federal agencies to ensure that there is sufficient information in the record for the public and decision makers to make an informed evaluation of the action being proposed. In the FSEIS, NRC states on page 4-16, "Because recent population data are not available, the NRC staff cannot arrive at a definitive conclusion concerning the current impact of entrainment associated with OCNGS." We recognize that NRC goes on to recommend that additional environmental monitoring studies be conducted in the bay by other agencies. However, EPA still supports the U.S. Fish and Wildlife Service's recommendation that at least 3 years of biological sampling studies be performed and, along with findings and any mitigation measures, included in a final NEPA document before relicensing OCNGS for the next 20 years.

We appreciate the opportunity to comment on the FSEIS. Please call Lingard Knutson of my staff, at (212) 637-3747 if you have any questions.

Sincerely yours,

A handwritten signature in black ink, appearing to read "John Filippelli". The signature is fluid and cursive, written over a white background.

John Filippelli, Chief
Strategic Planning and Multi-Media Programs Branch

cc: C. Day, USFWS