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

Dear Sir or Madam:

In accordance with Section 309 of the Clean Air Act and Section 102(2)(C) of 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 31 (final SEIS) regarding James A. Fitzpatrick Nuclear Power Plant (JAFNPP) (CEQ #20080027). The proposed Federal action would renew the current operating license, which expires in October 2014, for an additional 20 years.

The final SEIS was prepared as a plant specific supplement to the Nuclear Regulatory Commission's (NRC) 1996 Final Generic Environmental Impact Statement for the License Renewal of Nuclear Plants (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 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 JAFNPP is located on approximately 702 acres on the south shore of Lake Ontario, in Oswego County, New York. JAFNPP is a single-cycle, forced-circulation Boiling-Water Reactor that produces steam for direct use in the steam turbine. The rated thermal output of the unit is 2536 megawatts-thermal corresponding to an electrical output of approximately 881 megawatts-electric. The facility is refueled on a 24-month cycle. Plant cooling is provided by a once-through circulating water system that draws from and discharges to Lake Ontario.

Most of the concerns raised in our August 30, 2007 comment letter on the draft SEIS have been addressed. We would like to note that EPA has reviewed Section 5.1.2 on "Severe Accidents" in the final SEIS and has discussed the matter raised in our comments with NRC staff. We have no comments on this section in the final SEIS.

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However, in our comment letter, EPA also expressed concern that the draft SEIS relied upon biological studies dating from 1969 through 1974 performed near the Nine Mile Point Nuclear Station. This information is too old to accurately understand the current lake conditions, and therefore, support the conclusion that there continues to be no influence or impact to biota in the lake from the entrainment and impingement of aquatic animals from the JAFNPP facility. We also pointed out that, as stated in the draft SEIS, the fisheries species in Lake Ontario have changed markedly over the past 10 years with decreasing numbers of alewife and increasing numbers of invasive aquatic species, also rendering the information from the biological studies unreliable. EPA recognizes that JAFNPP is only one contributor to ecological conditions in Lake Ontario and is not responsible for the introduction of invasive species, but the current condition of aquatic life may make the impacts from entrainment and impingement relatively more significant than they were when the original studies were done.

While the SEIS response is to restate that "based on the information currently available, the NRC staff concluded that losses of fish and shellfish from impingement and entrainment are SMALL" and defers this discussion to the New York State Pollution Discharge Elimination System (SPDES) permit process, we maintain our belief that the NEPA process is the appropriate vehicle for addressing potential environmental impacts and mitigation. Accordingly, we recommend that the Record of Decision for the license renewal include commitments to the mitigation measures that are expected to be required as part of the SPDES permit issuance.

In summary, EPA's request for current aquatic information and minimization and mitigation for impacts to aquatic life remains unresolved. We encourage NRC to address these concerns prior to completion of the NEPA process. Please feel free to contact Lingard Knutson at (212) 637-3747 if you have any questions.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "John Filippelli". The signature is fluid and cursive, with a long horizontal stroke at the beginning.

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