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1.0 INTRODUCTION

{This report provides information to the Nuclear Regulatory Commission (NRC) to facilitate preparation of an environmental impact statement in accordance with the provisions of 10 CFR 51 Subpart A, National Environmental Policy Act - Regulations Implementing Section 102 (2) (CFR, 2007a) for the preferred location for a new nuclear power plant on the Nine Mile Point Nuclear Station (NMPNS) site in Oswego County, New York. This report was prepared in accordance with the guidance provided in NUREG-1555, "Environmental Standard Review Plan" (NRC, 1999) and Regulatory Guide 4.2, Revision 2 (NRC, 1976), "Preparation of Environmental Reports for Nuclear Power Stations."

U.S. EPR nuclear power plants that are licensed, constructed, and operated in cooperation with UniStar Nuclear Operating Services LLC (UniStar Nuclear Operating Services) are standardized to the extent practical. This allows for a standardized Combined License Application (COLA). Information that is unique to Nine Mile Point Unit 3 Nuclear Power Plant (NMP3NPP) is enclosed in braces "{ }". Information not enclosed in braces is generic for all UniStar Nuclear Operating Services facilities. Minor changes are made within the generic text that are not identified as site specific. These include figure and table numbers, which are organized sequentially within sections, and minor grammatical changes necessary to support introduction of site specific text. Tables and figures containing site specific information use the convention of brackets/braces around the table or figure title, not the entire table or figure contents. This convention indicates the entire table or figure is site specific.}

1.1 PROPOSED ACTION

{Nine Mile Point 3 Nuclear Project, LLC (Nine Mile Point 3 Nuclear Project) and UniStar Nuclear Operating Services, LLC (UniStar Nuclear Operating Services) (collectively, the Applicant) propose to construct and operate a new nuclear power plant to be designated as Nine Mile Point Unit 3 Nuclear Power Plant (NMP3NPP) located on the existing NMPNS site. Federal action resulting in the issuance of a combined license (COL) by the Nuclear Regulatory Commission under 10 CFR 52, Early Site Permits; Standard Design Certification; and Combined Licenses for Nuclear Power Plants (CFR, 2007b) is anticipated. The purpose of the proposed new nuclear power plant is to generate baseload electricity for sale.}

1.2 PROJECT DESCRIPTION

1.2.1 OWNERSHIP AND APPLICANT

{Nine Mile Point 3 Nuclear Project and UniStar Nuclear Operating Services are applying for a combined license for the proposed nuclear power plant. The owner of the proposed project is Nine Mile Point 3 Nuclear Project. The operator of the proposed project is UniStar Nuclear Operating Services. The contact with the NRC during the licensing process is Unistar Nuclear Holdings, LLC.

Nine Mile Point 3 Nuclear Project, LLC is a limited liability company and is an indirect subsidiary (through UniStar Nuclear Holdings, LLC and UniStar Project Holdings, LLC, which operate as holding companies) of UniStar Nuclear Energy, LLC (UniStar Nuclear Energy). UniStar Nuclear Energy is owned jointly by Constellation New Nuclear, LLC and by EDF Development, Inc. Constellation New Nuclear is an indirect subsidiary (through Constellation Energy Nuclear Group, LLC) of Constellation Energy Group, Inc (Constellation Energy Group). EDF Development is a indirect subsidiary of (through EDF International, SA) of Èlectricitè de France, SA.

The principal offices of Nine Mile Point 3 Nuclear Project are located in Baltimore, Maryland. Nine Mile Point 3 Nuclear Project is organized under the laws of the State of Delaware pursuant to the Limited Liability Company Agreement of Nine Mile Point 3 Nuclear Project, LLC dated September 8, 2008, by UniStar Project Holdings, LLC. Nine Mile Point 3 Nuclear Project will be one of the licensees and will own NMP3NPP.

Constellation Energy Group is a holding company for several companies involved with electric and gas energy. Constellation Energy Group, through its subsidiaries, is a major generator of electric power and a leading supplier of competitive electricity, with a power generation portfolio of over 8,700 megawatts. The output of Constellation Energy Group's plants is sold by Constellation Energy Group's commodities business, Constellation Energy Commodities Group, Inc., to many of the nation's leading distribution utilities, energy companies, and cooperatives.

UniStar Nuclear Operating Services has been formed to be a licensee and to operate U.S. Evolutionary Power Reactor (EPR) nuclear power plants in the United States. The principal offices of UniStar Nuclear Operating Services are located in Baltimore, Maryland. UniStar Nuclear Operating Services is organized under the laws of the State of Delaware pursuant to the Limited Liability Company Agreement of UniStar Nuclear Operating Services dated May 12, 2006, by Constellation Energy UniStar Holdings, LLC, the predecessor to UniStar Nuclear Holdings, LLC (Unistar Nuclear Holdings). UniStar Nuclear Operating Services will be one of the licensees and will operate NMP3NPP.

UniStar Nuclear Holdings is responsible to license, jointly develop, construct, and perform start-up testing. UniStar Nuclear Holdings is a wholly owned subsidiary of UniStar Nuclear Energy.}

1.2.2 SITE LOCATION

{The proposed new nuclear power plant is located south-southwest of the existing nuclear power plants on the NMPNS site. The NMPNS site consists of 921 acres (373 hectares) in Oswego County, New York on the south eastern shore of Lake Ontario. The site is approximately 5 miles north-northeast of the nearest boundary of Oswego, New York. Major nearby cities include the City of Syracuse, New York, located about 36 miles (58 km) south southeast, and the City of Rochester, New York, located 65 miles (105 km) west of the site. Figure 1.2-1 and Figure 1.2-2 illustrate the location of the NMPNS site.}

1.2.3 REACTOR INFORMATION

{The proposed nuclear power plant consists of one pressurized water reactor steam electric system of the AREVA U.S. EPR design. The rated core thermal power will be 4,590 MWt. The rated and design net electrical output is approximately 1,600 MWe. By letter dated December 11, 2007, as supplemented by letters dated February 7 and February 20, 2008, AREVA submitted an application for a standard design certification of the EPR, pursuant to Title 10 of the Code of Federal Regulations (10 CFR) Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants (CFR, 2007b)." By letter dated February 25, 2008, the NRC staff docketed the application and subsequently published a schedule for the detailed review of the application on March 26, 2008.}

1.2.4 COOLING SYSTEM INFORMATION

{The two major cooling systems interacting with the environment are the Circulating Water Supply System and the Essential Service Water System. Figure 1.2-3 provides a simplified diagram of these two systems.

1.2.4.1 Circulating Water System

The U.S. EPR uses a Circulating Water Supply System (CWS) to dissipate waste heat rejected from the main condenser and turbine building closed cooling water heat exchangers (via heat exchange with the auxiliary cooling water system) during normal plant operation at full station load. A closed-cycle, wet cooling system is used for NMP3NPP. The NMP3NPP system will use a mechanical draft cooling tower for heat dissipation. The exhausted steam from the low pressure steam turbine is directed to a surface condenser (i.e., main condenser), where the heat of vaporization is rejected to a closed loop of cooling water. Cooling water from the CWS is also provided to the auxiliary cooling water system. Two 100% capacity auxiliary cooling water system pumps receive cooling water from the CWS and deliver the water to the Closed Cooling Water System (CLCWS) heat exchangers. Heat from the CLCWS is transferred to the auxiliary cooling water system in the CLCWS heat exchangers and heated auxiliary cooling water is returned to the CWS. The heated cooling water from the main condenser and auxiliary cooling water system is sent to the spray headers of the cooling tower, where heat content of the cooling water is transferred to the ambient air via evaporative cooling and conduction. After passing through the cooling tower, the cooled water is recirculated back to the main condenser and auxiliary cooling water system to complete the closed cycle cooling water loop. Makeup water from Lake Ontario is required to replace evaporative water losses, drift losses, and blowdown discharge.

Makeup water for the CWS will be taken from Lake Ontario by pumps installed in a new intake structure. The makeup water is pumped through a common header directly to the cooling tower basin. Blowdown from the cooling tower discharges to a common retention basin to provide retention time for settling of suspended solids and to permit further chemical treatment of the wastewater, if required, prior to discharge to Lake Ontario. The water is pumped through the main condenser, to and from the auxiliary cooling system (all in parallel), and then to the cooling tower to dissipate heat to the atmosphere. Figure 1.2-4 shows the location of the cooling tower for NMP3NPP.

1.2.4.2 Essential Service Water System

The U.S. EPR design has a safety-related Essential Service Water System (ESWS) to provide cooling water to the Component Cooling Water System (CCWS) heat exchangers located in the Safeguards Building and to the cooling jackets of the emergency diesel generators located in the Emergency Power Generating Buildings. The ESWS is used for normal operations, refueling, shutdown/cooldown, anticipated operational events, design basis accidents and severe accidents. The ESWS is a closed-loop system with four safety-related trains and one non-safety-related dedicated (severe accident) train to dissipate design heat loads. Each safety-related train uses one of the four safety-related two-cell mechanical draft cooling towers to dissipate heat during normal conditions, shutdown/cooldown, or design basis accident conditions. The non-safety-related train uses its associated safety-related train ESWS cooling tower to dissipate heat under severe accident conditions. The ESWS water is pumped to the CCWS heat exchanger and to the emergency diesel generator cooling jacket for the removal of heat. Each of the four ESWS cooling towers has a dedicated CCWS heat exchanger to maintain separation of the safety-related trains. Heated ESWS water returns through piping to the spray distribution header of the ultimate heat sink (UHS) cooling tower. Water exits the spray distribution piping through spray nozzles and falls through the tower fill. Two fans provide upward air flow to remove latent and sensible heat from the water droplets as they fall through the tower fill, rejecting heat from the service water to the atmosphere. The heated air will exit the tower and mix with ambient air, completing the heat rejection process. The cooled water is collected in the tower basin for return to the pump suction for recirculation through the system. Each ESWS cooling tower has a dedicated ESWS pump. An additional pump connected to one ESWS train supplies the severe accident train.

Makeup water to the ESWS is normally supplied from the plant raw water system. The plant raw water system is supplied from Lake Ontario.

Under post-accident conditions lasting longer than 72 hours, makeup water is supplied from the safety-related UHS makeup water system. The UHS makeup pumps are housed in the safety-related portion of the intake structure.}

1.2.5 TRANSMISSION SYSTEM INFORMATION

{The NMP3NPP site lies within the service territory of the New York Transmission System which is controlled by the New York Independent System Operator (NYISO), and operated by National Grid PLC (NG) which is the Local Transmission Owner's Energy Control Center. The plant will utilize transmission facilities that are owned and operated by NG under the direction and control of NYISO. NMP3NPP does not communicate directly with NYISO on transmission matters, instead NG and the NMP3NPP operator have formal agreements and protocols in place to provide safe and reliable operation of the transmission system and equipment at NMP3NPP. Additionally, these agreements will ensure Nuclear Plant Licensing Requirements will be monitored and maintained. The existing 345 kV transmission system provides power to the existing nuclear plants (NMP Unit 1 and Unit 2, and James A. FitzPatrick Nuclear Power Plant (JAFNPP)) as follows:

1. The Clay substation currently supplies the NMP Unit 1 switchyard with a 345 kV transmission line, and

2. The Scriba substation currently supplies the NMP Unit 1 switchyard, NMP Unit 2, and the JAFNPP each with a separate 345 kV transmission line,

Transmission lines are shown on Figure 1.2-1. No additional transmission corridors or other off-site land use would be required to connect the new reactor unit to the existing electrical grid. The following modifications will be necessary to connect NMP3NPP to the existing transmission system:

- One new 345 kV switchyard will be built for NMP3NPP site. This switchyard will be connected by a 345 kV line from the Clay substation, a 345 kV line from the Scriba substation, and a 345 kV line from the NMP Unit 1 switchyard,

- The existing 345 kV line from Clay will be disconnected from NMP Unit 1 and connected to the new NMP3NPP switchyard,

- The new NMP3NPP switchyard will be connected to the NMP Unit 1 switchyard,

- The new NMP3NPP switchyard will be connected to Scriba switchyard by a 345 kV transmission line.

Breaker upgrades and associated modifications would also be required at other substations.}

1.2.6 PROPOSED ACTION AND CONSTRAINTS

{The proposed action is to construct and operate a new nuclear power unit on the NMPNS site. The NRC 10 CFR 52 (CFR, 2007b) licensing process will be followed to obtain a combined license. At the time of application submittal, there are no constraints on the review process. Numerous other permits and approvals are required from various Federal, State and local agencies as discussed in Section 1.3. These actions will require public meetings and hearings, as required, to obtain the necessary approvals to proceed with construction and operation of the

new unit. Constraints may be placed on the proposed action as the various agency reviews and approvals are processed and issued.

Environmental issues are evaluated using a three-tier standard of significance - SMALL, MODERATE, or LARGE. The definitions of the three significance levels are defined in Footnote 3 of Table B-1 of 10 CFR 51 (CFR, 2007c) as follows:

SMALL: Environmental effects are not detectable or are so minor that they will neither destabilize nor noticeably alter any important attribute of the resource.

MODERATE: Environmental effects are sufficient to alter noticeably, but not to destabilize, important attributes of the resource.

LARGE: Environmental effects are clearly noticeably and are sufficient to destabilize important attributes of the resource.}

1.2.7 MAJOR ACTIVITY START AND COMPLETION DATES

{The following major activities are scheduled:

Activity	Date
Submit Design Certification Application for the U.S. EPR	December 2007 (complete)
Submit COL Application for NMP3NPP	September 2008
Submit New York State Department of Environmental Conservation (NYS DEC) Permit Applications for NMP3NPP	November 2008
Submit New York State Public Service Commission (NYS PSC) Permit Application for NMP3NPP	November 2008
Submit U.S. Army Corps of Engineers (USACE Permit Application for NMP3NPP	November 2008
Order Ultra Heavy Forgings for Reactor Vessel and NSSS Components	TBD 2009
State of NY and USACE issues preconstruction permits (NYS DEC/PSC) for NMP3NPP	November 2010
NRC Issues Design Certification for U.S. EPR	October 2010
NRC Issues COL	September 2011
Plant Construction Starts	April 2012
Construction Complete	July 2016
Plant Startup Testing Begins	July 2016
Commercial Operation	December 2016}

Figure 1.2-1—{NMP3NPP Site 50 mi (80 km) Region}

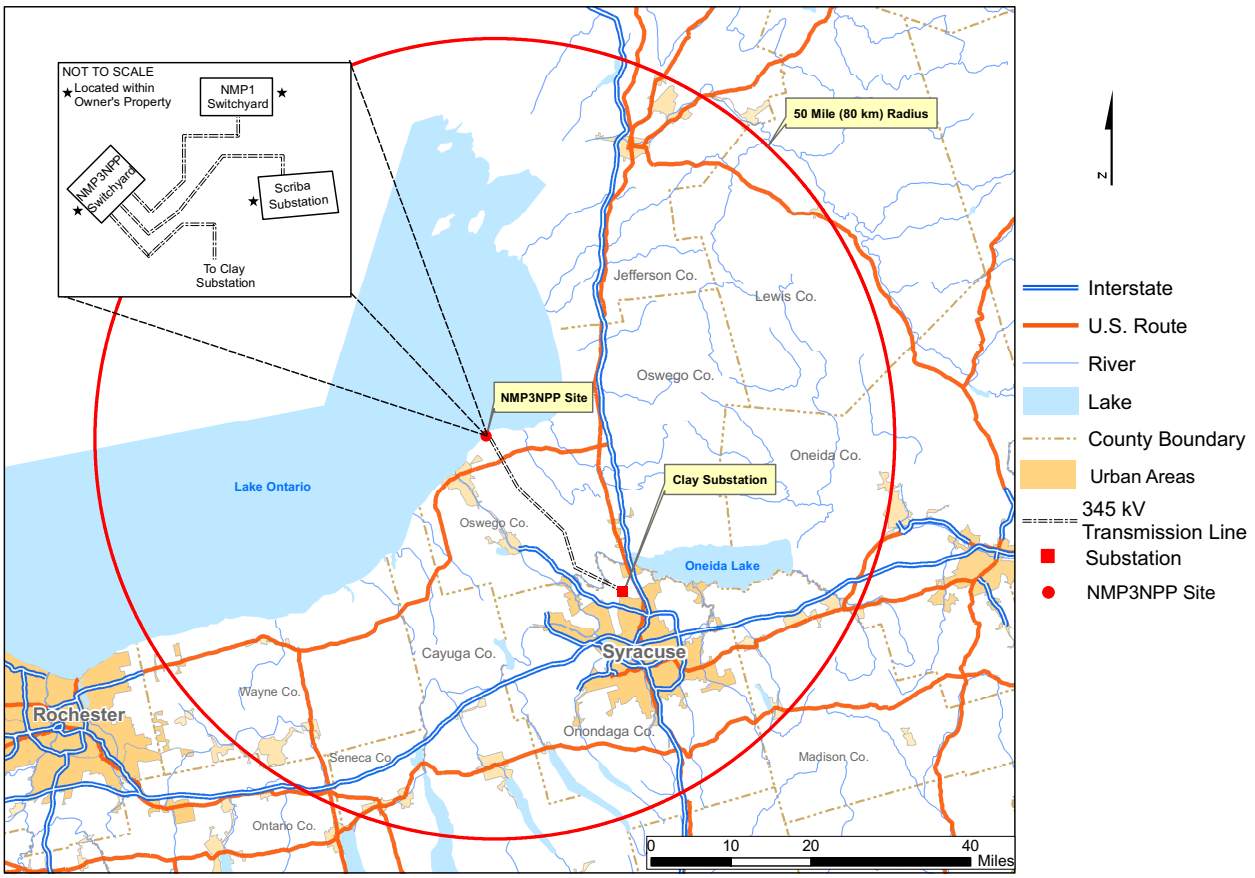

Figure 1.2-2—{NMPNS Site 8 mi (13 km) Vicinity}

Figure 1.2-3—{General Cooling System Flow Diagram for NMP3NPP}

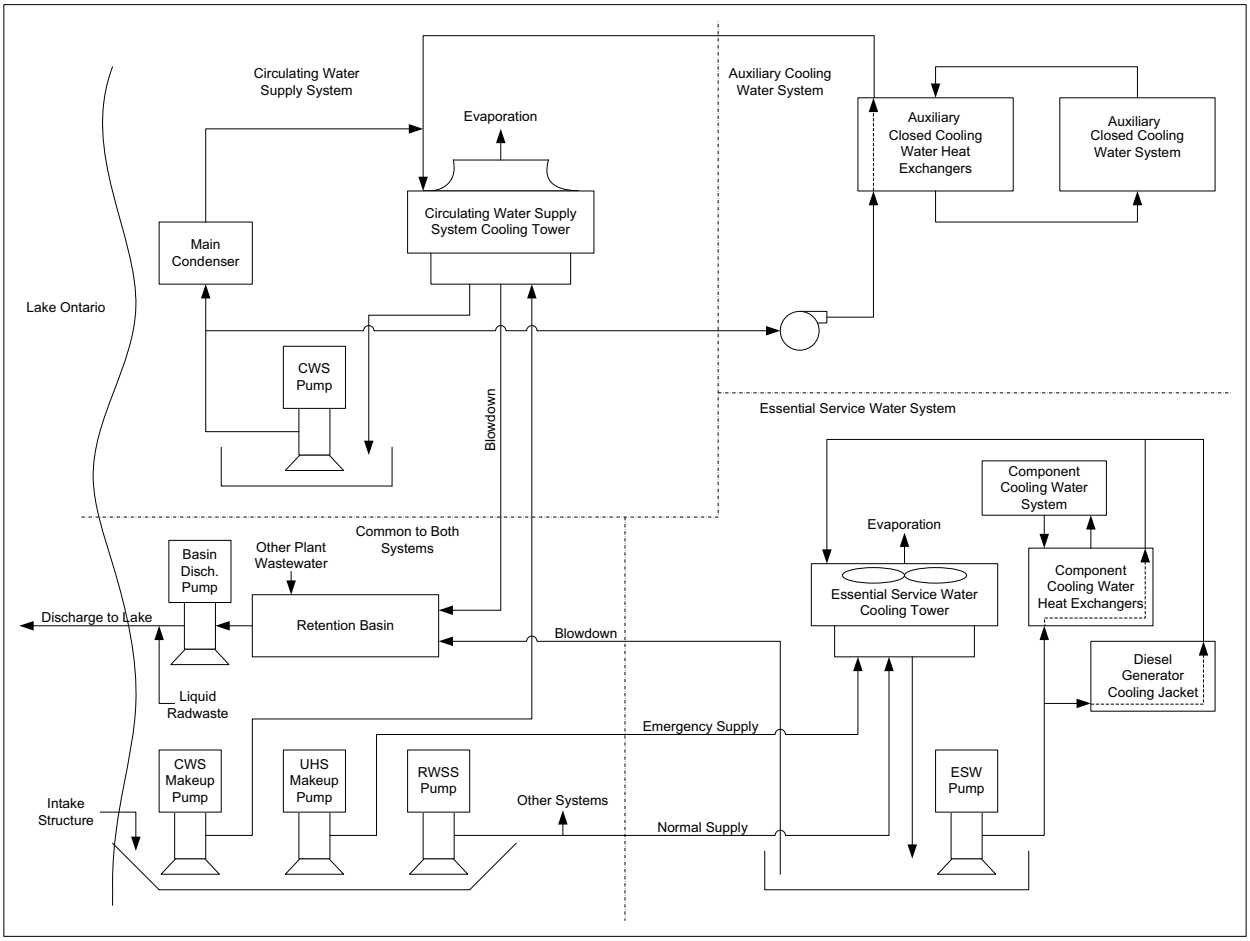

Figure 1.2-4—{Aerial View of NMP Unit 1 and Unit 2 with NMP3NPP Superimposed}

1.3 STATUS OF REVIEWS, APPROVALS AND CONSULTATIONS

{A compilation of environmentally related authorizations required by the proposed project is listed in Table 1.3-1. Also listed in Table 1.3-1 are authorizations that are contingent on project characteristics that have not yet been finalized.}

1.3.1 FEDERAL AGENCIES

1.3.1.1 {Nuclear Regulatory Commission (NRC)

The Atomic Energy Act of 1954, as amended, gives the NRC regulatory jurisdiction over the design, construction, operation, and decommissioning of NMP3NPP specifically with regard to assurance of public health and safety in 10 CFR 52 and 40 CFR 190 (CFR, 2007b; CFR, 2007g), which are applicable to nuclear power plants. The NRC performs continuous inspection of construction, operation and maintenance activities of the facility.

The NRC, in accordance with 10 CFR 51 (CFR, 2007a), also assesses the potential environmental impacts of the proposed plant. Subpart A of 10 CFR 51 provides for full project review and authorization under the National Environmental Policy Act (NEPA). Following submission of the Environmental Report (ER) to NRC by UniStar, the NRC will develop an Environmental Impact Statement (EIS) for the project and publish a record of decision in the Federal Register for the project in support of issuance of the COL.

NRC establishes standards for protection against radiation hazards arising out of licensed activities. The NRC licenses are issued pursuant to the Atomic Energy Act of 1954, as amended, and the Energy Organization Act of 1974. The regulations apply to all persons who receive, possess, use or transfer licensed materials.

Domestic Licensing of Source Material (10 CFR 40) (CFR, 2007d) establishes the procedures and criteria for the issuance of licenses to receive, possess, use, transfer, or deliver source material.

General Applicability to Domestic Licensing of By-product Material (10 CFR 30) (CFR, 2007e) establishes the procedure and criteria for the issuance of licenses to receive, possess, use, transfer, or deliver by-product material.

Domestic Licensing of Special Nuclear Material (10 CFR 70) (CFR, 2007f) establishes procedures and criteria for the issuance of licenses to receive title to, own, acquire, deliver, receive, possess, use and transfer special nuclear material (e.g., fuel) and establishes and provides for the terms and conditions upon which the Commission issues such licenses.

1.3.1.2 U.S. Environmental Protection Agency (EPA)

The EPA has primary authority relating to compliance with the Clean Air Act (CAA), Clean Water Act (CWA), and Resource Conservation and Recovery Act (RCRA). New York is an authorized state for implementation of most regulatory programs for CAA, CWA, and RCRA. This means that the state will run the programs and enforce the regulations on behalf of the federal agency, EPA.

Applicable state requirements, permits, and approvals are identified in Table 1.3-1.

Environmental Standards for the Uranium Fuel Cycle (40 CFR 190 Subpart B) (CFR, 2007g) establishes the maximum doses to the body organs resulting from operational normal releases and received by members of the public.

1.3.1.3 U.S. Department of Transportation (DOT)

DOT regulates transportation of hazardous materials as follows:

- 49 CFR 107, Hazardous Materials Program Procedures, Subpart G: Registration and Fee to DOT as a Person who Offers or Transports Hazardous Materials (CFR, 2007k).
- 49 CFR 171, General Information, Regulations and Definitions (CFR, 2007l).
- 49 CFR 173, Shippers - General Requirements for Shipments and Packages, Subpart I: Radioactive Materials (CFR, 2007m).
- 49 CFR 178, Specification for Packagings (CFR, 2007n).

UniStar will arrange for transportation of wastes by licensed and registered transporters.

1.3.1.4 The Noise Control Act of 1972 (42 U.S.C. § 4901 et seq.) (USC, 2007a)

The Noise Control Act transfers the responsibility of noise control to State and local governments. Commercial facilities are required to comply with Federal, State, interstate, and local requirements regarding noise control.

1.3.1.5 National Historic Preservation Act of 1966 (16 U.S.C. § 470 et seq.) (USC, 2007b)

The National Historic Preservation Act (NHPA) was enacted to protect the nation's cultural resources. The NHPA is supplemented by the Archaeological and Historic Preservation Act. This act directs Federal agencies in recovering and preserving historic and archaeological data that would be lost as the result of construction activities.

In New York, the New York State Historic Preservation Office (SHPO) is the agency responsible for carrying out the provisions of the NHPA along with the New York State Historic Preservation Act of 1980 (see Section 1.3.2.2)

1.3.1.6 Hazardous Materials Transportation Act (49 U.S.C. § 1801 et seq.) (USC, 2007c)

The Hazardous Materials Transportation Act (HMTA) regulates transportation of hazardous material (including radioactive material) in and between states. According to HMTA, states may regulate the transport of hazardous material as long as they are consistent with HMTA or the Department of Transportation (DOT) regulations that are posed in Title 49 CFR 171-177 (CFR, 2007k).

Other regulations regarding packaging for transportation of radionuclides are contained in Title 49 CFR 173 (CFR, 2007m), Subpart I. NMP3NPP will arrange for transport of hazardous and radioactive materials and wastes from suppliers and to disposal facilities on interstate highways in accordance with the HMTA.

1.3.1.7 U.S. Army Corps of Engineers (USACE)

The USACE is authorized by Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and pursuant to 33 CFR 322-323 (CFR, 2007o,p), to regulate the discharge of dredged or fill material into navigable waters of the U.S. and waters of the U.S. (including wetlands), respectively.

NMP3NPP will impact freshwater wetlands and involve work in Lake Ontario, a navigable water. Therefore, a Section 10/404 permit from the USACE will be required.

1.3.1.8 Occupational Safety and Health Administration (OSHA)

The Occupational Safety and Health Act of 1970 (OSHA) is designed to increase the safety of workers in the workplace. It provides that the Department of Labor is expected to recognize the dangers that may exist in workplaces and establish employee safety and health standards.

The identification, classification, and regulation of potential occupational carcinogens are found at 29 CFR 1990 (CFR, 2007q), while the standards pertaining to hazardous materials are listed in 29 CFR 1910 Subpart H (CFR, 2007r). OSHA regulates mitigation requirements and mandates proper training and equipment for workers. UniStar employees and management are subject to the requirements of 29 CFR 1910.

1.3.1.9 U.S. Department of Interior (DOI)

The U.S. Fish and Wildlife Service (USFWS) of DOI is responsible for the protection of threatened and endangered freshwater and wildlife species under the Endangered Species Act (ESA). Section 7 of the ESA requires federal agencies to consult with the USFWS, if they are proposing an "action" that may affect listed species or their designated habitat. Action is defined broadly to include funding, permitting, and other regulatory actions including 50 CFR 402 (CFR, 2007s).

No federally protected fish or wildlife species or critical habitat are known to be present on the NMP3NPP site.

1.3.1.10 U.S. Department of Commerce (DOC)

The National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) under the DOC is responsible for protecting marine mammals and endangered marine life, including anadromous species under the ESA. Section 7 of the ESA requires federal agencies to consult with the NMFS, if they are proposing an "action" that may affect listed species or their designated habitat (CFR, 2007s).

There are no fish or other aquatic species or critical habitat known to exist in the vicinity of the NMP3NPP site that are afforded special protection under the ESA.

Federal actions which are reasonably likely to affect any land or water use of natural resource of a state's coastal zone are required under Section 307 of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended, to be conducted in a manner that is consistent with a state's federally approved Coastal Zone Management Program (CZMP). Federal regulations are at 15 CFR 930 (CFR, 2007t). The National Oceanic and Atmospheric Administration of DOC administers this program at the federal level, and New York State Department of State (NY DOS) is the CZMP agency in New York (see Section 1.3.2.3).

1.3.1.11 Federal Aviation Administration (FAA)

The FAA is responsible for safe air navigation and regulates structures greater than 200 ft (60.96). NMP3NPP will have structures exceeding this height and notification will be required under 14 CFR 77.13 (CFR, 2007u).}

1.3.2 STATE AGENCIES

1.3.2.1 {Public Service Commission (PSC)

In order to construct a new merchant electric generating facility like NMP3NPP in New York, a Certificate of Public Convenience and Necessity (CPCN) must be obtained from the New York PSC pursuant to Section 68 of the New York Public Service Law (PSL). The PSC also will have to approve the project's construction financing and entitlement to lightened regulation under

PSL Section 69 (NYPSL, 2008b); the transfer of site property to Nine Mile Point 3 Nuclear Project will require PSC approval pursuant to PSL Section 70. (NYPSL, 2008c) Lastly, the modifications to the existing transmission system that will be required to connect NMP3NPP to the grid may require PSC approval pursuant to PSL Article VII.

1.3.2.2 State Historic Preservation Office

The New York SHPO administers the National Historic Preservation Act (USC, 2007b) (CFR, 2007v) as well as the New York State Historic Preservation Act of 1980 (NYSHPA). Section 106 of the NHPA (16 USC 470 et seq.) requires federal agencies having the authority to license any undertaking to, prior to issuing the license, take into account the effect of the undertaking on historic properties and to afford the Advisory Council on Historic Preservation an opportunity to comment on the undertaking. Council regulations provide for establishing an agreement with any State Historic Preservation Officer (SHPO) to substitute state review for Council review (36 CFR 800.2).

1.3.2.3 New York State Department of State (NYS DOS)

The NYS DOS is responsible for administering the CZMP in New York. One of the authorizations required for issuance of the COL is a Coastal Zone Management Act (CZMA) consistency determination (15 CFR 930.57) (CFR, 2007t). NMP3NPP will include its consistency certification as part of the COLA and SEQR submittals. The NYS DOS will make its CZMA consistency determination based on information supplied by NMP3NPP and its assessment that the project will be in compliance with all applicable New York laws and regulations as well as the federal CZMA.

1.3.2.4 New York State Department of Environmental Conservation

The responsibility of the New York State Department of Environmental Conservation (NYSDEC) is the protection of the environment through administration of New York State Environmental Conservation Law and associated policies and regulations. Environmental Conservation Law Article 1 details the mission of NYSDEC: "The quality of our environment is fundamental to our concern for the quality of life. It is hereby declared to be the policy of the State of New York to conserve, improve and protect its natural resources and environment and to prevent, abate and control water, land and air pollution, in order to enhance the health, safety and welfare of the people of the state and their overall economic and social well-being."

As noted previously, New York has delegated authority for implementing most EPA regulatory programs for CAA, CWA, and RCRA. NMP3NPP construction and operation will require several regulatory approvals including those for air emissions, point source industrial wastewater discharges, wetland alteration, and placement of structures within Lake Ontario, a navigable Water of the State. The NYSDEC permits and approvals are detailed in Table 1.3-1.

The NYSDEC administers the State Environmental Quality Review Act (SEQR). In New York State, all state and local agencies must comply with SEQR when issuing permits and other discretionary approvals for projects like the construction and operation of NMP3NPP. Like the National Environmental Policy Act at the federal level, SEQR requires agencies to consider the environmental impacts of their actions before reaching decisions to approve particular projects. Where more than one state or local agency must approve a large project (referred to as a Type I action), SEQR requires that a "Lead Agency" be selected to conduct a coordinated SEQR review of the project. If the lead agency determines that a project has the potential to result in significant adverse environmental impacts, the applicant will be required to prepare a Draft Environmental Impact Statement (DEIS).

Following public review and comment, the Lead Agency will adopt a Final Environmental Impact Statement (FEIS). The FEIS serves as the basis for the SEQR Findings that each state and local agency must adopt prior to deciding whether to issue a permit to or otherwise approve a project. Alternatively, where a project has been subject to a DEIS and FEIS under NEPA, SEQR allows, but does not require, state and local agencies to utilize the Federal EIS in making their SEQR findings.

1.3.2.5 Department of Transportation

The New York Department of Transportation (DOT) will issue a permit for site roadway access to a state highway under NY CRR Title 17, Chapter IV.

1.3.2.6 Other State Licenses and Registrations

Transport of low-level radioactive waste from NMP3NPP to permitted disposal facilities requires licenses and registrations from the receiving states. Currently, the Applicant anticipates low-level radioactive wastes to be shipped to disposal facilities in Utah (UAC, 2006).}

1.3.3 LOCAL AGENCIES

{The Town of Scriba, in which NMP3NPP would be located, has no zoning ordinance, but site plan approval by the Town of Scriba Planning Board must be obtained prior to beginning construction of the project pursuant to Local Law #2 of 1996. A building permit can be issued only following site plan approval. Traffic impacts, ingress/egress, and municipal water connections are evaluated during the site plan review process. In order for the property that will be the site of NMP3NPP to be transferred to Nine Mile Point 3 Nuclear Project, subdivision approval by the Planning Board also may be required.}

Table 1.3-1—{Federal, State and Local Authorizations}

(Page 1 of 3)

Agency	Authority	Requirement	License/ Permit No.	Expiration Date	Activity Covered	Anticipated Application Submittal Date
U.S. Nuclear Regulatory Commission (USNRC)	Atomic Energy Act of 1954 (AEA); 10 Code of Federal Regulations (CFR) 40	Source Material License	--(a)	--(a)	Possession, use and transfer of source material	September 2008
USNRC	National Environmental Policy Act of 1969; 10 CFR 51; 10 CFR 52.89	Environmental Impact (EIS)/Record of Decision	--(b)	--(b)	Environmental review of construction and operation of a nuclear power station as part of application for a combined license (COL)	September 2008
USNRC	10 CFR 52, Subpart C	COL	--(a)	--(a)	Combined license for construction and operation of a nuclear generating facility	September 2008
USNRC	10 CFR 70	Special Nuclear Material License	--(a)	--(a)	Possession, delivery, receipt, use, transfer of fuel	September 2008
USNRC	10 CFR 30	By-Product Material License	--(a)	--(a)	Production, transfer, receipt, acquisition, ownership, possession of nuclear byproduct materials	September 2008
USNRC	10 CFR 52.80; 10 CFR 50.10	Limited Work Authorization (LWA)	--(a)	--(a)	Non-safety-related construction prior to issuance of COL conditionally authorized by NRC	September 2008
Federal Aviation Administration (FAA)	49 United States Code (USC) 44718; 14 CFR 77.13	Construction Notice	--(a)	--(a)	Construction of structures (>200 feet) affecting air navigation	(c)
US Army Corps of Engineers (USACE)	Federal Water Pollution Act, Sec. 404, 33 USC 1344; 33 CFR 323; Rivers and Harbors Act, Sec. 10, 33 USC 403: 33 USC 322	Individual Permit	--(a)	--(a)	Excavation, dredging, and/or disposal of dredged material in navigable waters; filling of waters of U.S. Needed for construction/ modification of the discharge structure, barge slip upgrade, and any filling of waters of U.S.	November 2008
New York Department of State (NYS DOS)	Coastal Zone Management Act (CZMA), 16 USC 1456;15 CFR 930.57, 19 NYCRR 600-5	CZMA Consistency Determination (federal CZMA approval)	--(b)	--(b)	Any activity that could affect the state's coastal zone resources.	November 2008
U.S. Fish and Wildlife Service (USFWS)	Endangered Species Act (ESA), Section 7, 16 USC 1536; 50 CFR 402	Consultation regarding potential to adversely impact protected species and critical habitats	--(b)	--(b)	Identification of protected species and critical habitats on-site and in the vicinity, assessment of project construction and/or operation impacts, and concurrence on appropriate mitigation.	(c)

ER: Chapter 1.0

Table 1.3-1—{Federal, State and Local Authorizations}

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Agency	Authority	Requirement	License/ Permit No.	Expiration Date	Activity Covered	Anticipated Application Submittal Date
State Historic Preservation Office (SHPO)	National Historic Preservation Act (NHPA) 16 USC 470a; 36 CFR 800; NY PRHPL Sec. 14.09	Cultural Resources Review and Consultation	--(a)	--(a)	Identification, description, and evaluation of cultural resources on and in the site vicinity with the potential to be impacted by plant construction and/or operations.	(c)
New York Public Service Commission (PSC)	NY Public Service Law (NYPSL) Sec. 68	Certificate of Public Convenience and Necessity (CPCN)	--(a)	--(a)	Site preparation for construction and operation of electric generating station	April 2009
PSC	NYPSL Sec. 69	Approval	--(a)	--(a)	Required for construction financing and lightened regulation	April 2009
PSC	NYPSL Sec. 70	Approval	--(a)	--(a)	Required for transfer of property to UniStar	April 2009
PSC	NYPSL Art. VII	Article VII certificate	--(a)	--(a)	Construction or significant upgrade of existing electric transmission system	(e)
New York State Office of General Services	NY Public Lands Law, Sec.75; 9 NYCRR 270	Permission to use lands under Lake Ontario through fee simple grant, grant or easement	--(b)	--(a)	Construction/operation of intake/discharge tunnels in lands under Lake Ontario	November 2009
New York State Department of Environmental Conservation (NYSDEC)	Great Lakes Water Conservation and Management Act, NYECL Sec.15-1605	Great Lakes Water Registration Program	--(b)	--(b)	Withdrawal of greater than 3 million gallons per 30-day period	November 2008
NYSDEC	NY Environmental Conservation Law (NYECL) Art. 24; 6 NY Codes Rules, and Regulations (NYCRR) 663	Freshwater Wetlands Permit	--(a)	--(a)	Alteration of state-mapped freshwater wetlands	November 2008
NYSDEC	NYECL Sec. 15-0505, 6 NYCRR 608.4	Protection of Waters Permit	--(a)	--(a)	Placement of fill or structures in navigable waters of the State	November 2008
NYSDEC	Clean Water Act Section 401, 33 USC 1341	Section 401 Water Quality Certification	--(a)	--(a)	Discharges to waters of the US do not violate state water quality standards or impair designated uses	November 2008
NYSDEC	6 NYCRR 201-5 (State Facility Permit)	New York State Air Quality Permit to Construct and Operate	--(a)	--(a)	Construction and operation of air pollutant emission sources	(c)

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Table 1.3-1—{Federal, State and Local Authorizations}

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Agency	Authority	Requirement	License/ Permit No.	Expiration Date	Activity Covered	Anticipated Application Submittal Date
NYSDEC/EPA	6 NYCRR 373; 40 CFR 262.12	Hazardous Waste Generator Registration (USEPA Identification Number)	--(a)	--(a)	Required for generators of hazardous and special wastes in certain quantities; required for NMP3NPP waste profile	(c)
NYSDEC	Federal Water Pollution Control Act, Sec. 402, 33 USC 1342; et seq.; 6 NYCRR 750	Notice of Intent under General Permit for Stormwater Discharges from Construction Activity	GP-0-08-001	April 2010	Discharge of stormwater during construction	November 2008
NYSDEC	Federal Water Pollution Control Act 33 USC 1341 et seq.; 6 NYCRR 750	State Pollution Discharge Elimination System Permit for Industrial Wastewater Discharges	--(a)	--(a)	Point source discharge of industrial wastewater from operations and discharge of stormwater during operation	November 2008
NYSDEC	State Environmental Quality Review Act, 6 NYCRR 617	Environmental Impact Statement/ Findings Statement	--(a)	--(a)	Environmental review of project (construction/operation of an electric generating station) in support of discretionary approvals by local and state agencies required by the project.	November 2008
New York Department of Transportation (NYDOT)	17 NYCRR 125	NY DOT Permit	--(a)	--(a)	If applicable, work impacting NY highways.	(c)
Town of Scriba Planning Board	Town of Scriba, Local Law #2 of 1996	Town Site Plan Approval	--(a)	--(a)	The local site plan approval ordinances apply to all proposed residential and non-residential use of property covered by the regulations in the Town of Scriba.	(c)
US Department of Transportation	49 CFR 107, Subpart G	Certificate of Registration	--(a)	--(a)	Transportation of hazardous materials	(c)
State of Utah Department of Environmental Quality – Division of Radiological Control	Utah Radiation Control Rules R313-26	General Site Access Permit	--(a)	--(a)	Transportation of radioactive waste into the State of Utah	(c)

Notes:

a Information not available at this time.
b Not applicable
c Item is a Federal agency initiated consultation.
d Specific submittal date will be established once necessary engineering, construction and operational details are finalized.
e If required, specific application date would be determined upon completion of the System Reliability Study by the New York ISO.

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1.4 REFERENCES

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CFR, 2007b. Title 10, Code of Federal Regulations, Part 52, Early Site Permits; Standard Design Certifications; And Combined Licenses For Nuclear Power Plants, 2007.

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CFR, 2007d. Title 10, Code of Federal Regulations, Part 40, Domestic Licensing of Source Material, 2007.

CFR, 2007e. Title 10, Code of Federal Regulations, Part 30, Rules of General Applicability to Domestic Licensing of Byproduct Material, 2007.

CFR, 2007f. Title 10, Code of Federal Regulations, Part 70, Domestic Licensing of Special Nuclear Material, 2007.

CFR, 2007g. Title 40, Code of Federal Regulations, Part 190, Environmental Radiation Protection Standards for Nuclear Power Operations, 2007.

CFR, 2007k. Title 49, Code of Federal Regulations, Part 171 through Part 177 Hazardous Materials Sections, 2007.

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CFR, 2007q. Title 29, Code of Federal Regulations, Part 1990, Identification, Classification and Regulation of Carcinogens, 2007.

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NRC, 1999. Environmental Standard Review Plan, NUREG-1555, Nuclear Regulatory Commission, October 1999.

UAC, 2006. Utah Administrative Code, Rule 313-26, Generator Site Access Permit Requirements for Accessing Utah Radioactive Waste Disposal Facilities, 2006.

USC, 2007a. The Public Health and Welfare, Noise Control, 42 USC 4901, Public Law 92-574, 2007.

USC, 2007b. National Historic Preservation Act of 1966 as Amended Through 1992, 16 USC 470, Public Law, 102-575, 2007.

USC, 2007c. Hazardous Material Transportation Act as Amended by the Hazardous Material Transportation Uniform Safety Act of 1990, 49 USC 1801, Public Law 101-615, 2007.

NYCRR, 1994. Title 6 New York Codes Rules and Regulations, Part 608.4, Use and Protection of Waters, 1994.

NYCRR 2008. Title 6 New York Codes Rules and regulations, Part 650, Qualifications of Operators of Wastewater Treatment Plants, 2008.

NYCRR, 1996. Title 6 New York Codes Rules and Regulations, Part 201.5, State Facility Permit, 1996.

NYCRR, 2006. Title 6 New York Codes Rules and Regulations, Part 373, Hazardous Waste Treatment, Storage and Disposal Facility Permitting Requirements, 2006.

NYCRR, 2003. Title 6 New York Codes Rules and Regulations, Part 750, Obtaining a SDDES Permit, 2003.

NYECL, 2008. New York Environmental Conservation, Great Lakes Water Conservation and Management Act, Great lakes, 2008

NYECL, 1972. New York Environmental Conservation, Clean Water Act Section 401, Clean Water Act,1972.

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NYPSL, 2008c. New York Public Service Law, Sec 70, http://public.leginfo.state.ny.us/menugetf.cgi?COMMONQUERY=LAWS,2008.

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