

May 22, 2009

Ms. Anne Secord
Division Director
National Marine Fisheries Service
Northeast Regional Office
55 Great Republic Drive
Suite 04-400
Gloucester, MA 01930

SUBJECT: REQUEST FOR PARTICIPATION IN THE ENVIRONMENTAL SCOPING
PROCESS AND A LIST OF PROTECTED SPECIES WITHIN THE AREA
UNDER EVALUATION FOR THE NINE MILE POINT 3 NUCLEAR POWER
PLANT COMBINED LICENSE APPLICATION REVIEW

Dear Ms. Secord:

The U.S. Nuclear Regulatory Commission (NRC) staff is reviewing an application submitted by the Nine Mile Point 3 Nuclear Project, LLC and Unistar Nuclear Operating Services, LLC for a Combined License (COL) for construction and operation of a new commercial nuclear power reactor (Unit 3) at its Nine Mile Point Nuclear Power Plant (NMPNPP) site in Oswego, New York. As part of the review of this COL application, the NRC staff is preparing an Environmental Impact Statement (EIS) as required by Title 10 of the *Code of Federal Regulations* (10 CFR) Part 51, the NRC's regulations that implement the National Environmental Policy Act of 1969 (NEPA), as amended. The EIS includes an analysis of pertinent environmental matters, including those involving endangered or threatened species and impacts to fish and wildlife. This letter is being submitted under the provisions of the Endangered Species Act of 1973 as amended (ESA), the Fish and Wildlife Coordination Act of 1934 as amended (FWCA), and the Magnuson-Stevens Fishery Conservation and Management Act as amended by the Sustainable Fisheries Act of 1996.

Nine Mile Point 3 Nuclear Project, LLC and Unistar Nuclear Operating Services, submitted the application for a COL on September 30, 2008, pursuant to the NRC requirements in 10 CFR Part 52. The NRC staff accepted the application for docketing on December 12, 2008. It is available through the web-based version of the NRC's Agencywide Documents Access and Management System (ADAMS), which can be found at <http://www.nrc.gov/reading-rm/adams.html>. The Environmental Report (ER) portion of the application is listed under accession number ML090970496. The Nine Mile Point 3 Nuclear Power Plant (NMP3NPP) COL application is also available on the Internet at <http://www.nrc.gov/reactors/new-reactors/col/nine-mile-point.html>.

The proposed NMP3NPP site is located on approximately 921 acres in Oswego County, New York on Lake Ontario, approximately five miles north-northeast of Oswego, New York. The NMPNPP site currently has two operating boiling water reactors, Units 1 and 2 that have the capacity to generate 1,685 megawatts (MW) of electricity combined. Adjacent to NMPNPP site is the James A. Fitzpatrick Nuclear Power Plant boiling water reactor which has the capacity to

generate 813 MW of electricity. The proposed site consists of areas that have been previously disturbed from the construction of Units 1 and 2 and undisturbed woodlands and wetlands. Nine Mile Point 3 Nuclear Project, LLC and Unistar Nuclear Operating Services, LLC have stated there is no need for new transmission lines but there will be upgrades to the current transmission system that will include one new 345 kv switchyard. The new switchyard will be connected by an onsite 345 kV line from the Clay substation, a 345 kV line from the onsite Scriba substation, and a 345 kV line from the onsite Nine Mile Point Unit 1 switchyard.

Cooling water for the proposed unit will be drawn from Lake Ontario. Make-up water from Lake Ontario for the closed-cycle cooling heat exchange system is estimated to average 25,296 gallons per minute (gpm), with a discharge rate of 9,173 gpm. The applicant states that approximately 309 acres of the 921 acre site will be impacted during construction including the filling of 66 acres of non-tidal wetlands and 25 acres of non-tidal buffer.

The NRC staff, in its review, will evaluate the environmental impacts of construction and operation of the proposed new unit and associated transmission line upgrades and will also consider alternatives including three alternative sites. The three alternate sites to be evaluated in the EIS are located at the AES Somerset site in Niagara County, New York, along the shore of Lake Ontario, the Ginna site located in Wayne County, New York, along the shore of Lake Ontario, and the Blenheim-Gilboa site located in Schoharie County, New York, along the Schoharie Creek.

To support the preparation of the NRC EIS on the proposed action and to ensure compliance with Section 7 of the ESA, the NRC staff requests that your office provide to the NRC staff a list of endangered, threatened, candidate, and proposed species, and designated and proposed critical habitat under the jurisdiction of National Marine Fisheries Service (NMFS) that may be in the vicinity of the NMP3NPP site, the associated transmission line upgrades, and the alternative sites. In support of the Magnuson-Stevens Fishery Conservation and Management Act, the NRC staff also requests your office to provide the NRC staff a list of federally managed species that have been designated essential fish habitat in the vicinity of the NMP3NPP site. In addition, please provide any comments, concerns, or information you consider appropriate under the provisions of the FWCA.

The NRC staff plans to hold two public scoping meetings for the EIS regarding the COL application. The scoping meetings will be held at SUNY-Oswego, Sheldon Hall, 7060 Route 104, Oswego, NY 13126 on Wednesday, June 10, 2009. The first meeting will convene at 1:00 p.m. and will continue until approximately 4:00 p.m. The second meeting will convene at 6:00 p.m., and will continue until approximately 9:00 p.m. The first meeting will be preceded by an hour-long open house. The 6:00 p.m. to 9:00 p.m. meeting will be conducted using an open-house format where members of the public may meet and talk with NRC staff on an informal basis. In addition, in October 2009, the NRC plans to conduct a site audit to discuss with the applicant the detailed information that is the basis for the preparation of the Environmental Report (ER), to perform a walk down of the site and its environs, and to review documentation. You and your staff are invited to attend both the public meetings in June and the site audit in October. More specific information on site audit activities will be provided to you at a later date.

Please provide any information, comments, or concerns you feel are appropriate on the scope of the proposed action during the scoping comment period, which ends on July 20, 2009. Comments should be submitted either by mail to the Chief; Rulemaking, Directives, and Editing

A. Secord

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Branch; Division of Administrative Services; Mailstop TWB-05-B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001 or by e-mail to NMP3.COLEIS@nrc.gov. When the NRC staff completes the draft EIS on the proposed action, the staff plans to send the draft EIS to your office for comment. The anticipated publication date for the draft EIS is August 2010.

If you have any questions concerning the NRC staff's environmental review of this COL application, please contact Mr. Paul Michalak, Environmental Project Manager at 301-415-7612 or by email at Paul.Michalak@nrc.gov.

Sincerely,

/RA/

Robert G. Schaaf, Chief
Environmental Projects Branch 3
Division of Site and Environmental Reviews
Office of New Reactors

Docket No.: 52-038

cc: See next page

Branch; Division of Administrative Services; Mailstop TWB-05-B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001 or by e-mail to NMP3.COLEIS@nrc.gov. When the NRC staff completes the draft EIS on the proposed action, the staff plans to send the draft EIS to your office for comment. The anticipated publication date for the draft EIS is August 2010.

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Robert G. Schaaf, Chief
Environmental Projects Branch 3
Division of Site and Environmental Reviews
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Docket No.: 52-038

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DATE	01/21/2009	01/23/2009	02/02/2009	05/15/2009	05/15/2009	05/22/2009

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