May 22, 2009

Mr. Chuck Lawson
International Joint Commission
Great Lakes Water Quality Board
United States Section
1250 23rd Street N.W., Suite 100
Washington, D.C. 20440

SUBJECT: REQUEST FOR PARTICIPATION IN THE ENVIRONMENTAL SCOPING PROCESS FOR THE NINE MILE POINT 3 NUCLEAR POWER PLANT COMBINED LICENSE APPLICATION REVIEW

Dear Mr. Lawson:

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 one new nuclear power plant at its Nine Mile Point Nuclear Power Plant (NMPNPP) site near Oswego, New York. As part of the review of this COL application, the NRC 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 impacts to fish and wildlife. This letter is being submitted to initiate consultation under the provisions of the Fish and Wildlife Coordination Act of 1934 (FWCA), as amended.

Nine Mile Point 3 Nuclear Project, LLC and Unistar Nuclear Operating Services, LLC submitted the application for a COL on September 30, 2008, pursuant to 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.

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 preparation of the NRC EIS on the proposed action, the NRC requests that your office provide to the NRC staff any information, comments, or concerns you consider appropriate with regard to water use or quality, aquatic biota and their habitat, or any other environmental resources of interest to your organization that may be in the vicinity of the NMP3NPP site, the alternative sites, and the associated transmission line upgrades.

The NRC staff plans to hold two public NEPA scoping meetings on June 10, 2009, at SUNY Oswego's Sheldon Hall, 7060 Route 104, Oswego, New York 13126. 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 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. You are invited to attend these meetings.

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 Branch; Division of Administrative Services; Office of Administration; 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 a copy 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

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

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Nine Mile Mailing List April 21, 2009

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