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Mr. Robert G. Schaaf  
c/o Chief, Rulemaking, Directives and Editing Branch  
Division of Administrative Services  
Mail Stop TWB-05-B01M  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
[NMP3.COLEIS@nrc.gov](mailto:NMP3.COLEIS@nrc.gov)

Re: Nine Mile Point 3 Nuclear Power Plant Combined License Application Review

Dear Mr. Schaaf:

This is in response to your letter dated May 22, 2009 requesting participation in the environmental scoping process for the review of an application submitted by Nine Mile Point 3 Nuclear Project, LLC and Unistar Nuclear Operating Services, LLC for a combined license for the construction and operation of one new nuclear power plant at its Nine Mile Point Nuclear Power Plant site near Oswego, New York.

The International Joint Commission (IJC) approves applications for uses, obstructions and diversions of boundary waters that affect the natural level or flow of boundary waters across the international boundary pursuant to the Boundary Waters Treaty of 1909 between the United States and Canada. Applications for uses, obstructions and diversions of boundary waters are submitted to the IJC by one or both federal governments from the United States and Canada, which determine whether an application to the IJC is necessary during their domestic permitting processes. To date, the IJC has not received an application regarding effects on water levels or flows related to the consumptive use of water by nuclear power plants.

The IJC has additional responsibilities under the Great Lakes Water Quality Agreement of 1978, as amended, including assisting in the Agreement's implementation by collating, analyzing and disseminating data and information relating to the quality of the boundary waters and assessing the effectiveness of government programs undertaken in both countries. The IJC has not reviewed individual project proposals under the Great Lakes Water Quality Agreement.



International Joint Commission  
Canada and United States  
2401 Pennsylvania Ave. NW, Suite 400  
Washington, DC 20440  
Phone: 202-736-9000  
Fax: 202-254-4562  
[commission@washington.ijc.org](mailto:commission@washington.ijc.org)

Commission mixte internationale  
Canada et États-Unis  
234 Laurier Ave. W., 22nd Floor  
Ottawa, ON K1P 6K6  
Phone: 613-995-2984  
Fax: 613-993-5583  
[commission@ottawa.ijc.org](mailto:commission@ottawa.ijc.org)

[www.ijc.org](http://www.ijc.org)  
[www.bwt.ijc.org](http://www.bwt.ijc.org)

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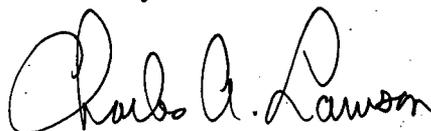
Your letter relays that Nuclear Regulatory Commission (NRC) staff will evaluate the environmental impacts of the proposed project on water quality, aquatic biota and their habitat, and other environmental resources. The NRC may wish to take note of a number of reports issued by the IJC that touch on these matters. For your convenience, these are identified below:

- In 1994, the Seventh Biennial Report on Great Lakes Water Quality recommended that radionuclides which meet the definition of persistent toxic substance be included in the governments' strategy for virtual elimination.  
<http://www.ijc.org/php/publications/html/7bre.html>
- In 1996, the Eighth Biennial Report on Great Lakes Water Quality devoted a section to radioactive substances and recommended that the use and storage of radioactive materials and nuclear wastes be addressed under the Great Lakes Water Quality Agreement.  
<http://www.ijc.org/php/publications/html/8bre.html>
- In 1997, The Nuclear Task Force, established by the IJC in 1995 to review and assess the status of radioactivity in the Great Lakes, issued reports on the sources of various radioactive isotopes as well as the movement and distribution of radionuclides.  
<http://www.ijc.org/rel/boards/nuclear/bio/index.html>  
<http://www.ijc.org/php/publications/html/invrep/index.html>  
<http://www.ijc.org/rel/boards/nuclear/pr9597.html>
- In 1998, the Ninth Biennial Report on Great Lakes Water Quality included three recommendations with respect to radioactivity.  
<http://www.ijc.org/php/publications/html/9br/achievec.html>
- In 2002, the Eleventh Biennial Report had a full chapter entitled "Nuclear Issues."  
<http://www.ijc.org/php/publications/html/11br/english/report/further/section12.html>

If further information or assistance is required, please contact Frank Bevacqua, IJC Public Information Officer, who may be reached at: [bevacquaf@washington.ijc.org](mailto:bevacquaf@washington.ijc.org) or 202-736-9024.

Thank you for the request to provide comments on the application in question.

Sincerely,



Charles A. Lawson  
Secretary  
U.S. Section