

Appendix E

Compliance Status and Consultation Correspondence

Appendix E: Compliance Status and Consultation Correspondence

Consultation correspondence related to the evaluation of the application for renewal of the operating license for James A. FitzPatrick Nuclear Power Plant (JAFNPP) is identified in Table E-1. Copies of the consultation correspondence are included at the end of this appendix.

The licenses, permits, and other approvals obtained from Federal, State, regional, and local authorities for JAFNPP, are listed in Table E-2.

Table E-1. Consultation Correspondence

Source	Recipient	Date of Letter
U.S. Nuclear Regulatory Commission (R. Franovich)	New York State Historic Preservation Office (B. Castro)	September 15, 2006
U.S. Nuclear Regulatory Commission (R. Franovich) ^(a)	Onondaga Indian Nation (I. Powless, Jr.)	September 15, 2006
U.S. Nuclear Regulatory Commission (R. Franovich)	U.S. Fish and Wildlife Service Northeast Regional Office (M. Moriarty)	September 19, 2006
U.S. Nuclear Regulatory Commission (R. Franovich)	New York State Department of Environmental Conservation (K. Lynch)	November 7, 2006
New York State Department of Environmental Conservation Natural Heritage Program (T. Seoane) ^(b)	U.S. Nuclear Regulatory Commission (S. Hernandez)	November 30, 2006
U.S. Nuclear Regulatory Commission (R. Franovich)	U.S. Fish and Wildlife Service Northeast Regional Office (M. Moriarty)	May 21, 2007
U.S. Nuclear Regulatory Commission (R. Franovich)	U.S. Environmental Protection Agency	June 8, 2007
U.S. Nuclear Regulatory Commission (R. Franovich)	New York State Historic Preservation Office (C. Ash)	June 8, 2007
U.S. Fish and Wildlife Service Northeast Regional Office (D. Stilwell)	U.S. Nuclear Regulatory Commission (R. Franovich)	November 15, 2007

(a) Similar letters were sent to other Native American Tribes listed in Appendix C.

(b) Not publicly available.

Table E-2. Federal, State, Local, and Regional Licenses, Permits, and Other Approvals for the James A. FitzPatrick Nuclear Power Plant (JAFNPP)

Agency	Authority	Requirement	Number	Expiration Date	Authorized Activity
NRC	Atomic Energy Act, 10 CFR 50	License to operate	DPR-59	October 17, 2014	Authorization to operate JAFNPP
DOT	49 CFR 107, Subpart G	Hazardous Materials Certificate of Registration	061307550002P	June 30, 2008	Authorization to ship radioactive and hazardous materials
NYSDEC	6 NYCRR Part 201	Certificate to Operate an Air Contamination Source	7-3556-0020-00012	Not Applicable	Authorization to operate air emission sources (diesel generators and boilers).
NYSDEC	6 NYCRR Part 372	Hazardous Waste Generator Identification	NYD000765073	Not Applicable	Authorization for hazardous waste generation
NYSDEC	6 NYCRR Part 675	Water Withdrawal Registration	NYGLWR-4004	November 20, 2008	Authorization to withdraw water from Lake Ontario.
NYSDEC	6 NYCRR Part 596	Hazardous Substance Bulk Storage Registration Certificate	7-000117	August 16, 2008	Authorization for onsite bulk storage of hazardous substances.
NYSDEC	6 NYCRR Part 750	State Pollutant Discharge Elimination System (SPDES) Permit	NY-0020109	August 1, 2006 ^(a)	Permit to discharge wastewaters to waters of the State
NYSDEC	6 NYCRR Part 612	Petroleum Bulk Storage Registration Certificate	7-140600	November 20, 2010	Authorization for onsite bulk storage of petroleum products.
NYSDEC	6 NYCRR Part 373	Hazardous Waste Part 373 Permit	7-3556-0020-0004-0	Not Applicable	Authorization to the accumulation and temporary storage onsite of mixed waste for >90 days

Table E-2. (cont.)

Agency	Authority	Requirement	Number	Expiration Date	Authorized Activity
NYSDEC	6 NYCRR Part 325	Pesticide Application Business Registration	79632	July 31, 2008	Authorization to apply pesticide.
CVDEM	Title 44, Code of Virginia, Chapter 3.3, Section 44-146.30	Application for Registration to Transport Hazardous Radioactive Materials	EF-S-093009	September 30, 2009	Authorization to transport radioactive waste into the Commonwealth of Virginia.
SCDHEC	Act No. 429 of 1990, South Carolina Radioactive Waste Transportation and Disposal Act	South Carolina Radioactive Waste Transport Permit	0031-31-07	December 31, 2007	Authorization to transport radioactive waste into the State of South Carolina.
TDEC	Tennessee Department of Environment and Conservation Regulations	Tennessee Radioactive Waste License for Delivery	T-NY003-L07	December 31, 2007	Authorization for the shipment of radioactive material into Tennessee to a disposal/processing facility.
CFR	Code of Federal Regulations				
CVDEM	Commonwealth of Virginia (Department of Emergency Management)				
DOT	U.S. Department of Transportation				
JAFNPP	James A. FitzPatrick Nuclear Power Plant				
NRC	Nuclear Regulatory Commission				
NYCRR	New York State Codes Rules and Regulations				
NYSDEC	New York State Department of Environmental Conservation				
SCDHEC	South Carolina Department of Health and Environmental Control				
TDEC	Tennessee Department of Environment and Conservation				

(a) Permit has been administratively continued under the New York State Administrative Procedures Act; therefore, JAFNPP continues to operate under the existing permit while NYSDEC completes the SPDES permit renewal.

September 15, 2006

Ms. Bernadette Castro, SHPO
Parks, Recreation & Historic Preservation
Agency Building #1
Empire State Plaza
Albany, NY 12238

SUBJECT: JAMES A. FITZPATRICK NUCLEAR POWER PLANT LICENSE RENEWAL
APPLICATION REVIEW (SHPO NO. 06PR0982)

Dear Ms. Castro:

The U.S. Nuclear Regulatory Commission (NRC) staff is reviewing an application to renew the operating license for James A. FitzPatrick Nuclear Power Plant (JAFNPP), which is located on Lake Ontario in Oswego County, approximately seven miles northeast of the City of Oswego, New York. JAFNPP is operated by Entergy Nuclear Operations, Inc. (Entergy). The application for renewal was submitted by Entergy in a letter dated July 31, 2006, pursuant to Title 10 of the *Code of Federal Regulations* Part 54 (10 CFR Part 54).

The NRC has established that, as part of the staff's review of any nuclear power plant license renewal action, a site-specific Supplemental Environmental Impact Statement (SEIS) to its Generic Environmental Impact Statement for License Renewal of Nuclear Plants, NUREG-1437, will be prepared under the provisions of 10 CFR Part 51, the NRC regulation that implements the National Environmental Policy Act of 1969 (NEPA). In accordance with 36 CFR 800.8(c), the SEIS will include analyses of potential impacts to historic and cultural resources.

In the context of the National Historic Preservation Act of 1966, as amended, the NRC staff has determined that the area of potential effect (APE) for a license renewal action is the area at the power plant site and its immediate environs that may be impacted by post-license renewal land-disturbing operations or projected refurbishment activities associated with the proposed action. The APE may extend beyond the immediate environs in those instances where post-license renewal land-disturbing operations or projected refurbishment activities specifically related to license renewal may potentially have an effect on known or proposed historic sites. This determination is made irrespective of ownership or control of the lands of interest.

On October 12, 2006, the NRC will conduct two public NEPA scoping meetings at the Town Municipal Building, 42 Creamery Road, Oswego, New York 13126. You and your staff are invited to attend. Your office will receive a copy of the draft SEIS along with a request for comments. The staff expects to publish the draft SEIS in August 2007.

B. Castro

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If you have any questions or require additional information, please contact Mr. Samuel Hernandez, Environmental Project Manager, by phone at 301-415-4049 or by e-mail at shh@nrc.gov.

Sincerely,

/RA/

Rani Franovich, Branch Chief
Environmental Branch B
Division of License Renewal
Office of Nuclear Reactor Regulation

Docket No. 50-333

cc: See next page.

September 15, 2006

The Honorable Irving Powless, Jr., Chief
Onondaga Indian Nation
Box 319B
Nedrow, NY 13120

SUBJECT: REQUEST FOR COMMENTS CONCERNING THE JAMES A. FITZPATRICK
NUCLEAR POWER-PLANT LICENSE RENEWAL APPLICATION REVIEW

Dear Chief Powless:

The U.S. Nuclear Regulatory Commission (NRC) is seeking input for its environmental review of an application from Entergy Nuclear Operations, Inc. (Entergy) for the renewal of the operating license for the James A. FitzPatrick Nuclear Power Plant (JAFNPP), located on Lake Ontario in Oswego County, approximately seven miles northeast of the city of Oswego, New York. JAFNPP is in close proximity to lands that may be of interest to the Onondaga Indian Nation. As described below, the NRC's process includes an opportunity for public and inter-governmental participation in the environmental review. We want to ensure that you are aware of our efforts and, pursuant to Title 10 of the *Code of Federal Regulations* Part 51.28(b) (10 CFR 51.28(b)), the NRC invites the Onondaga Indian Nation to provide input to the scoping process relating to the NRC's environmental review of the application. In addition, as outlined in 36 CFR 800.8(c), the NRC plans to coordinate compliance with Section 106 of the National Historic Preservation Act of 1966 through the requirements of the National Environmental Policy Act of 1969.

Under NRC regulations, the original operating license for a nuclear power plant is issued for up to 40 years. The license may be renewed for up to an additional 20 years if NRC requirements are met. The current operating license for JAFNPP will expire in October 17, 2014. Entergy submitted its application for renewal of the JAFNPP operating license in a letter dated July 31, 2006.

The NRC is gathering information for a JAFNPP site-specific supplement to its "Generic Environmental Impact Statement for License Renewal of Nuclear Plants" (GEIS), NUREG-1437. The supplement will contain the results of the review of the environmental impacts on the area surrounding the JAFNPP site that are related to terrestrial ecology, aquatic ecology, hydrology, cultural resources, and socioeconomic issues (among others) and will contain a recommendation regarding the environmental acceptability of the license renewal action. Enclosed for your information is a map showing the location of the JAFNPP site.

I. Powless

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The NRC will hold two public scoping meetings for the JAFNPP license renewal supplement to the GEIS on October 12, 2006, at the Town Municipal Building, 42 Creamery Road, Oswego, New York 13126. There will be two sessions to accommodate interested parties. The first session will convene at 1:30 p.m. and will continue until 4:30 p.m., as necessary. The second session will convene at 7:00 p.m., with a repeat of the overview portions of the meeting, and will continue until 10:00 p.m., as necessary. Additionally, the NRC staff will host informal discussions one hour before the start of each session. To be considered, comments must be provided either at the transcribed public meetings or in writing. No formal comments on the proposed scope of the supplement to the GEIS will be accepted during informal discussions.

The license renewal application (LRA) is publicly available at the NRC Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, or from the NRC's Agencywide Documents Access and Management System (ADAMS). The ADAMS Public Electronic Reading Room is accessible at <http://adamswebsearch.nrc.gov/oclogin.htm>. The accession number for the LRA is ML062160557. Persons who do not have access to ADAMS, or who encounter problems in accessing the documents located in ADAMS, should contact the NRC's PDR reference staff by telephone at 1-800-397-4209, or 301-415-4737, or by e-mail at pdr@nrc.gov.

The JAFNPP LRA is also available on the internet at <http://www.nrc.gov/reactors/operating/licensing/renewal/applications/fazpatrick.html>. In addition, the following public libraries have agreed to make the LRA available for public inspection: Penfield Library SUNY, 7060 State Route 104, Oswego, New York 13126; and **Oswego Public Library, 140-142 East Second Street, Oswego, New York 13126.**

The GEIS, which documents the NRC's assessment of the scope and impact of environmental effects that would be associated with license renewal at any nuclear power plant site, can also be found on the NRC's website or at the NRC's PDR.

Please submit any comments that the Onondaga Indian Nation may have to offer on the scope of the environmental review by November 14, 2006. Written comments should be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Mail Stop T-6D59, U.S. Nuclear Regulatory Commission, Washington D.C. 20555-0001. Electronic comments may be submitted to the NRC by e-mail at FitzPatrickEIS@nrc.gov. At the conclusion of the scoping process, the NRC staff will prepare a summary of the significant issues identified and the conclusions reached, and mail a copy to you.

The staff expects to publish the draft supplement to the GEIS in August 2007. The NRC will hold another set of public meetings in the site vicinity to solicit comments on the draft. A copy of the draft supplemental environmental impact statement (SEIS) will be sent to you for your

Appendix E

I. Powless

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review and comment. After consideration of public comments received on the draft, the NRC will prepare a final SEIS. The issuance of a final SEIS for JAFNPP is planned for April 2008. If you need additional information regarding the environmental review process, please contact Mr. Samuel Hernández, Environmental Project Manager, at 301-415-4049 or by e-mail at shq@nrc.gov.

Sincerely,

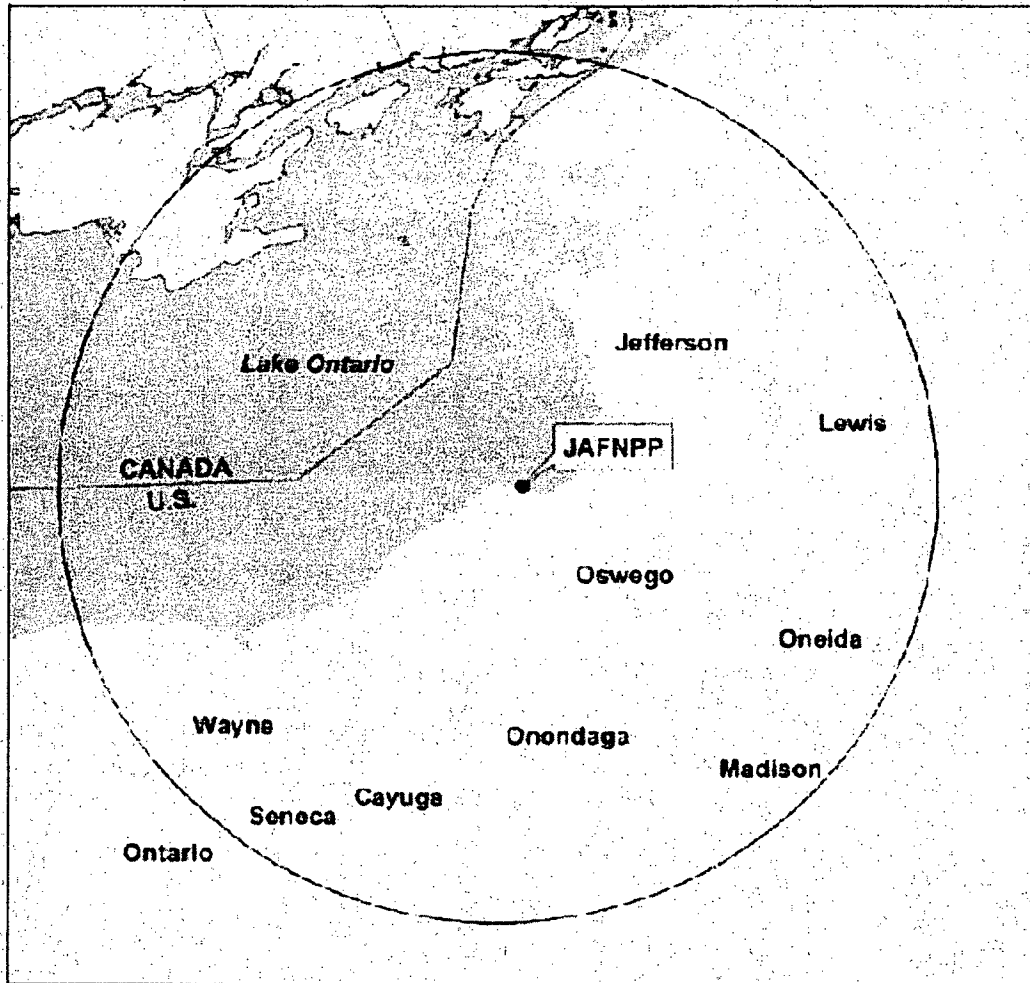
/RA/

Ran L. Franovich, Branch Chief
Environmental Branch B
Division of License Renewal
Office of Nuclear Reactor Regulation

Docket No. 50-333

Enclosure
JAFNPP Location Map

cc w/enc: See next page



Enclosure

September 19, 2006

Marvin Moriarty
Northeast Regional Office
U.S. Fish and Wildlife Service
300 Westgate Center Drive
Hadley, MA 01035-9589

SUBJECT: REQUEST FOR LIST OF PROTECTED SPECIES WITHIN THE AREA UNDER
EVALUATION FOR THE JAMES A. FITZPATRICK NUCLEAR POWER PLANT
LICENSE RENEWAL APPLICATION REVIEW

Dear Mr. Moriarty:

The U.S. Nuclear Regulatory Commission (NRC) is reviewing an application submitted by Entergy Nuclear Operations, Inc. (Entergy) for the renewal of the operating license for James A. Fitzpatrick Nuclear Power Plant (JAFNPP). JAFNPP is located on Lake Ontario in Oswego County, approximately seven miles northeast of the City of Oswego, New York (Latitude 43.52 N, Longitude 76.39 W). As part of the review of the license renewal application (LRA), the NRC is preparing a Supplemental Environmental Impact Statement (SEIS) under the provisions of Title 10 of the *Code of Federal Regulations* Part 51 (10 CFR Part 51), the NRC regulations that implements the National Environmental Policy Act (NEPA) of 1969. The SEIS includes an analysis of pertinent environmental issues, including 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, and the Fish and Wildlife Coordination Act of 1934, as amended.

Entergy has stated that if a renewed license is granted, it has no plans to alter current operations over the license renewal period, and that JAFNPP would use existing plant facilities and transmission lines and would not require additional construction or disturbance of new areas. The JAFNPP site covers approximately 702 acres, of which approximately 21 acres is industrial. The area surrounding JAFNPP is largely forested and rural, characterized by rolling terrain rising gently up from the lake.

JAFNPP uses a once-through open-cycle cooling system with an intake and discharge on Lake Ontario. The shore-facing intake is located approximately 900 feet offshore. Water coming into the intake passes through trash racks and traveling water screens. JAFNPP operates a fish deterrence system installed at the offshore intake structure from April to October of each year as required by their New York SPDES Permit.

The discharge water is returned to the lake through a discharge tunnel and diffuser system. The discharge structure is located approximately 1,400 feet offshore. The transmission lines in the scope of NRC's environmental review for license renewal are those that were originally constructed for the specific purpose of connecting the plant to the transmission system.

M. Moriarty

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A single 345-kilovolt (kV) transmission line was built to connect JAFNPP to the New York Power Pool transmission grid. The line runs from the plant switchyard to the Edic Substation located in Utica, New York. The transmission line right-of-way is 400 feet wide although only 150 feet were cleared for a total of 1,273 acres. The corridor passes through land that is primarily pine forest and swamp forest. There is also a short 345-kV transmission line from JAFNPP and the Nine Mile Point Nuclear Station. It runs 4,900 feet from the plants switchyard to the National Grid Scriba Substation. In addition to the 345-kV lines, offsite power is provided to JAFNPP by two single circuit 115-kV transmission lines connected to the plant's 115-kV bus.

To support the SEIS preparation process and to ensure compliance with Section 7 of the Endangered Species Act, the NRC requests information on Federally listed, proposed, and candidate species and critical habitat that may be in the vicinity of JAFNPP and its associated transmission line right-of-way. In addition, please provide any information you consider appropriate under the provisions of the Fish and Wildlife Coordination Act.

We plan to hold two public NEPA scoping meetings at 1:30 p.m. and 7:00 p.m. on October 12, 2006, at the Scriba Town Municipal Building, 42 Creamery Road, Oswego, New York, 13126. On December 04, 2006, we plan to conduct a site audit at the JAFNPP facility. You and your staff are invited to attend both public meetings and the site audit. Your office will receive a copy of the draft SEIS along with a request for comments. The anticipated publication date for the draft SEIS is August 2007.

If you have any questions concerning the NRC staff review of the license renewal application, please contact Mr. Samuel Hernandez, Environmental Project Manager at 301-415-4049 or by e-mail at sho@nrc.gov.

Sincerely,

/RA/

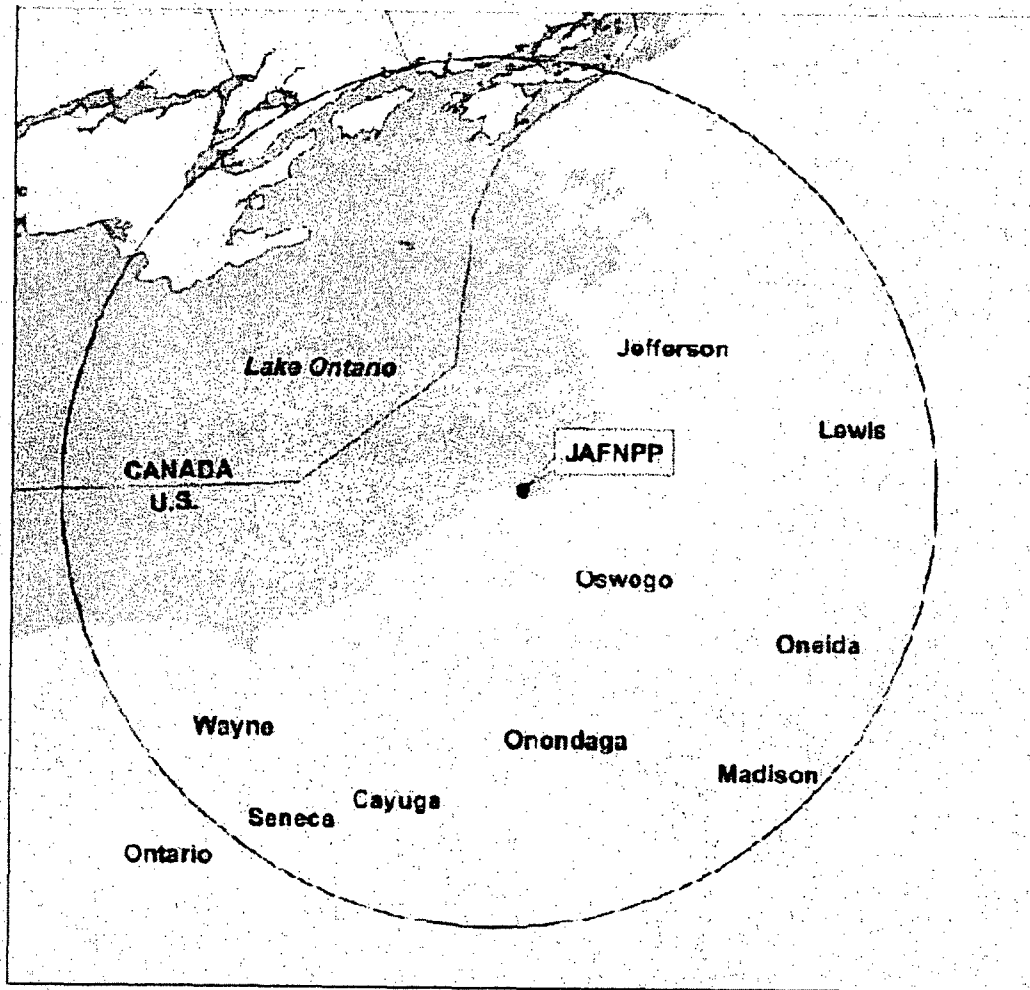
Rani Franovich, Branch Chief
Environmental Branch B
Division of License Renewal
Office of Nuclear Reactor Regulation

Docket No. 50-333

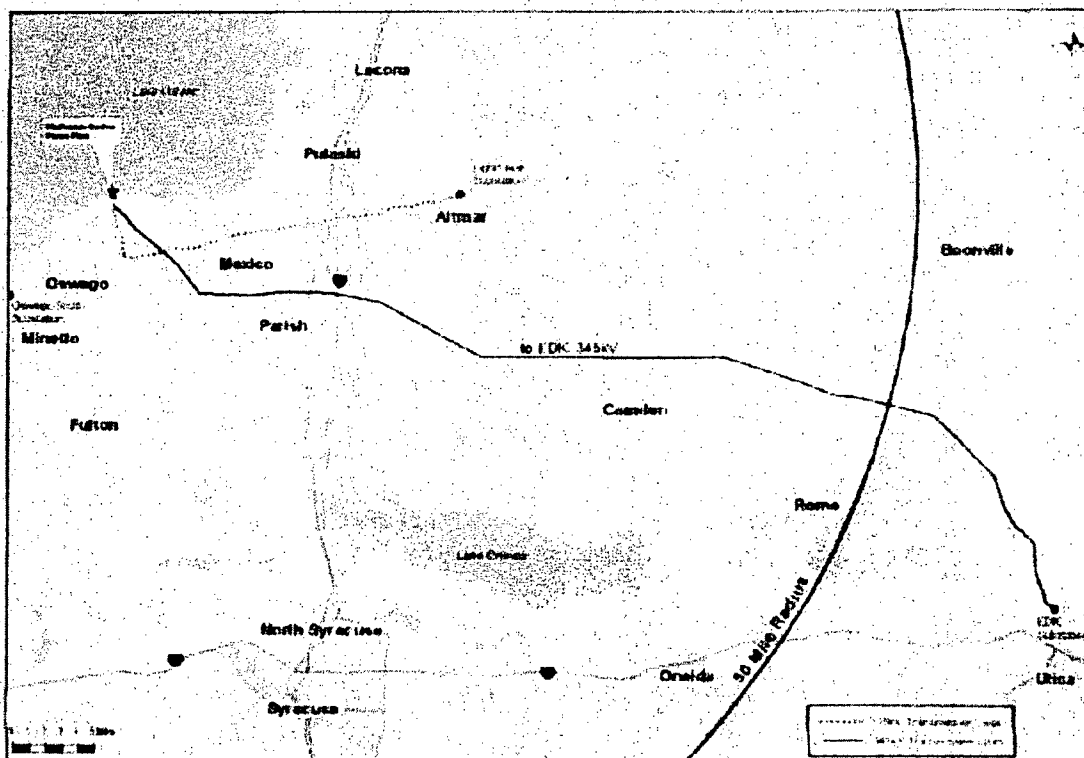
Enclosures:

1. JAFNPP Location Map
2. Transmission Lines Map

cc w/encs: See next page



Enclosure 1



November 7, 2006

Kenneth P. Lynch
Region 7 Office
New York State Department of Environmental Conservation
615 Erie Boulevard West
Syracuse, NY 13204-2400

SUBJECT: REQUEST FOR LIST OF STATE PROTECTED SPECIES WITHIN THE AREA
UNDER EVALUATION FOR THE JAMES A. FITZPATRICK NUCLEAR POWER
PLANT LICENSE RENEWAL APPLICATION REVIEW

Dear Mr. Lynch:

The U.S. Nuclear Regulatory Commission (NRC) is reviewing an application submitted by Entergy Nuclear Operations, Inc. (Entergy), for the renewal of the operating license for James A. Fitzpatrick Nuclear Power Plant (JAFNPP). JAFNPP is located on Lake Ontario in Oswego County, approximately seven miles northeast of the City of Oswego, New York (Latitude 43.52 N, Longitude 76.39 W). As part of the review of the license renewal application (LRA), the NRC is preparing a Supplemental Environmental Impact Statement (SEIS) under the provisions of Title 10 of the *Code of Federal Regulations* Part 51 (10 CFR Part 51), the NRC regulation that implements the National Environmental Policy Act (NEPA) of 1969. The SEIS includes an analysis of pertinent environmental issues, including endangered or threatened species and impacts to fish and wildlife.

Entergy has stated that if a renewed license is granted, it has no plans to alter current operations over the license renewal period, and that JAFNPP would use existing plant facilities and transmission lines and would not require additional construction or disturbance of new areas. The JAFNPP site covers approximately 702 acres, of which approximately 21 acres is industrial. The area surrounding JAFNPP is largely forested and rural, characterized by rolling terrain rising gently up from the lake.

JAFNPP uses a once-through open-cycle cooling system with intake and discharge structures on Lake Ontario. The shore-facing intake is located approximately 900 feet offshore. Water coming into the intake passes through trash racks and traveling water screens. JAFNPP operates a fish deterrence system installed at the offshore intake structure from April to October of each year as required by their New York SPDES permit.

The discharge water is returned to the lake through a discharge tunnel and diffuser system. The discharge structure is located approximately 1,400 feet offshore. The transmission lines in the scope of NRC's environmental review for license renewal are those that were originally constructed for the specific purpose of connecting the plant to the transmission system.

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A single 345-kilovolt (kV) transmission line was built to connect JAFNPP to the New York Power Pool transmission grid. The line runs from the plant switchyard to the Edic Substation located in Utica, New York. The transmission line right-of-way is 400 feet wide although only 150 feet were cleared for a total of 1,273 acres. The corridor passes through land that is primarily pine forest and swamp forest in Oswego and Oneida Counties. There is also a short 345-kV transmission line from JAFNPP and the Nine Mile Point Nuclear Station. It runs 4,900 feet from the plant's switchyard to the National Grid Scriba Substation in Oswego County. In addition to the 345-kV lines, offsite power is provided to JAFNPP by two single circuit 115-kV transmission lines connected to the plant's 115-kV bus.

To support the SEIS preparation process, the NRC requests information on state listed, proposed, and candidate species and critical habitat that may be in the vicinity of JAFNPP and its associated transmission line right-of-ways. In addition, please provide any information you consider appropriate that might help the NRC to evaluate impacts that extended operation of JAFNPP for up to an additional 20 years under the terms of a license renewal might impose on state listed species.

On December 04, 2006, we plan to conduct a site audit at the JAFNPP facility. You and your staff are invited to attend the site audit. Your office will receive a copy of the draft SEIS along with a request for comments. The anticipated publication date for the draft SEIS is August 2007.

If you have any questions concerning the NRC staff review of the LRA, please contact Mr. Samuel Hernandez, Environmental Project Manager at 301-415-4049 or via e-mail at shh@nrc.gov.

Sincerely,

/RA/

Rani Franovich, Branch Chief
Environmental Branch B
Division of License Renewal
Office of Nuclear Reactor Regulation

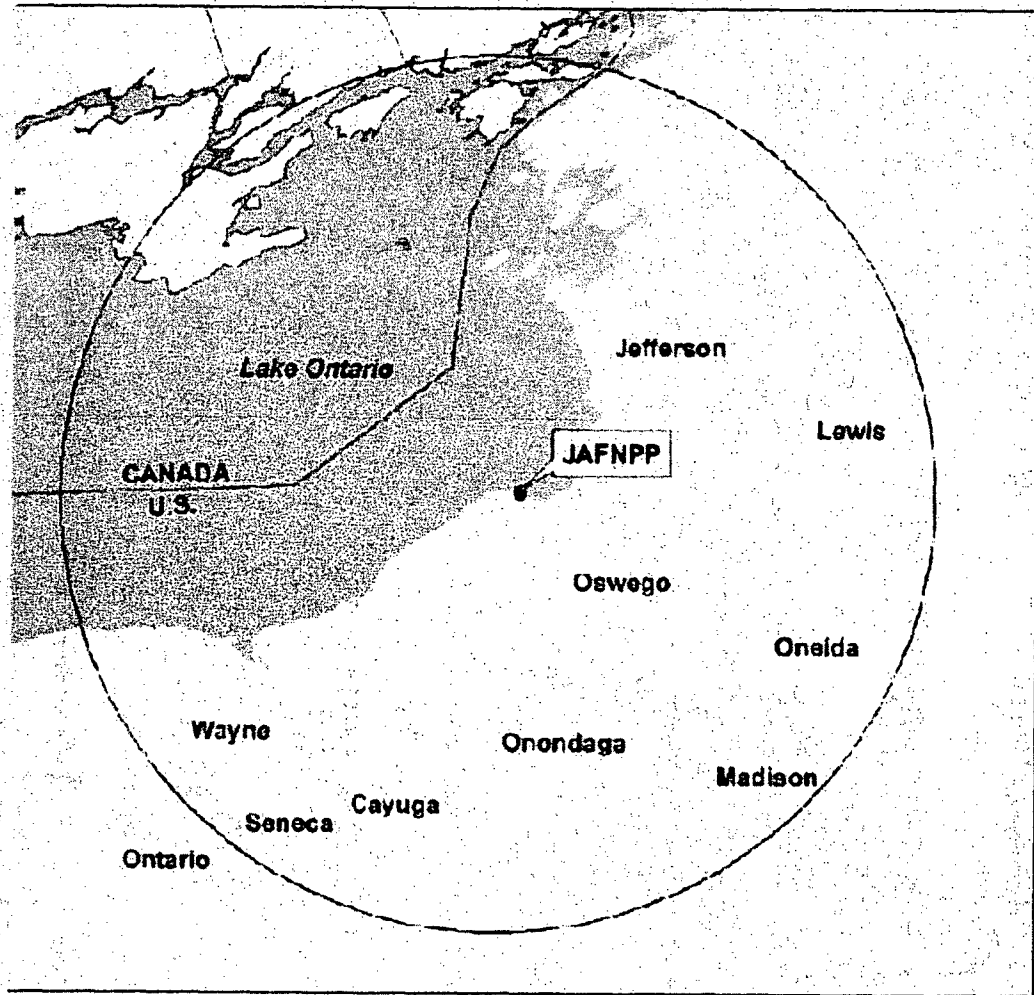
Docket No. 50-333

Enclosures:

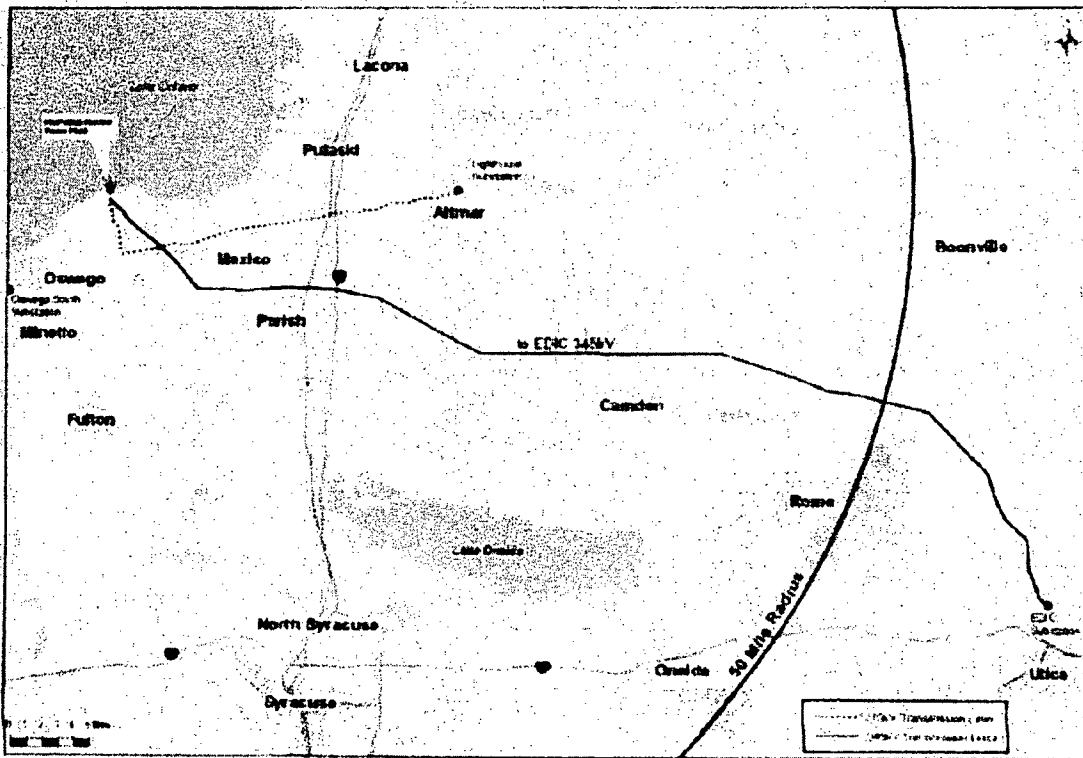
1. JAFNPP Location Map
2. Transmission Lines Map

cc w/encls: See next page

Appendix E



Enclosure 1



Enclosure 2

May 21, 2007

Marvin Moriarty
Northeast Regional Office
U.S. Fish and Wildlife Service
300 Westgate Center Drive
Hadley, MA 01035-9589

SUBJECT: BIOLOGICAL ASSESSMENT FOR PROPOSED LICENSE RENEWAL OF
JAMES A. FITZPATRICK NUCLEAR POWER PLANT

Dear Mr. Moriarty:

The U.S. Nuclear Regulatory Commission (NRC) staff has prepared the enclosed biological assessment (BA) (Enclosure 1) to evaluate whether the proposed renewal of the James A. FitzPatrick Nuclear Power Plant (JAFNPP) operating license for a period of an additional 20 years would have any adverse effect on listed species. The proposed action, license renewal, is not a major construction activity. JAFNPP is located in Oswego County in northern New York, on the southern shore of Lake Ontario.

By letter dated September 19, 2006, the NRC requested that the U.S. Fish and Wildlife (FWS) provide a list of Federally endangered or threatened species that may be in the vicinity of JAFNPP and its associated transmission lines. The FWS faxed to the NRC a copy of the letter sent to Entergy dated May 19, 2006, which identified the Indiana bat (*Myotis sodalis*) and bog turtle (*Clemmys muhlenbergii*) as the only Federally listed or proposed threatened or endangered species that are known to occur in the project area. It also directed Entergy to the following website at <http://www.fws.gov/northeast/myotis/section7.htm> for the most recent list of Federally listed endangered or threatened species. The FWS website listed three Federally endangered, threatened, or candidate species as potentially occurring in Oswego and Oneida counties, which contain the JAFNPP site and transmission line rights-of-way. The species are the bog turtle, Indiana bat, and the massasauga rattlesnake (*Sistrurus catenatus catenatus*). For completeness, the NRC has included those three terrestrial species reported to occur in Oswego and Oneida counties as well as two additional Federally protected species that were identified by the applicant as potentially occurring in the same area: the bald eagle (*Haliaeetus leucocephalus*) and piping plover (*Charadrius melodus*).

This BA provides an evaluation of the potential impact of renewing the JAFNPP operating license for an additional 20 years of operation on the five species. The NRC has determined that the proposed action would have no effect on the threatened piping plover. In addition, the NRC staff has determined the proposed action may affect, but is not likely to adversely affect, the threatened bog turtle, the candidate species massasauga rattlesnake, the endangered Indiana bat, or the threatened bald eagle.

M. Moriarty

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We are requesting your concurrence with our determination. In reaching our conclusion, the NRC staff relied on information provided by the applicant, literature research and interviews with experts performed by NRC staff, and information from the FWS (i.e., including current listings of species provided by the FWS New York Field Office).

If you have any questions regarding this BA, please contact Jessie Muir, Environmental Project Manager, at 301-415-0491 or by e-mail at jmm7@nrc.gov.

Sincerely,

/RA/

Rani Franovich, Branch Chief
Environmental Branch B
Division of License Renewal
Office of Nuclear Reactor Regulation

Docket No: 50-333

Enclosure:
As stated

cc w/encl.: See next page

June 8, 2007

US Environmental Protection Agency
Office of Federal Activities
EIS Filing Section
Ariel Rios Building (South Oval Lobby), Room 7220
1200 Pennsylvania Avenue, NW
Washington, DC 20004

**SUBJECT: NOTICE OF AVAILABILITY OF THE DRAFT SITE-SPECIFIC SUPPLEMENT 31
TO THE GENERIC ENVIRONMENTAL IMPACT STATEMENT FOR LICENSE
RENEWAL OF NUCLEAR PLANTS REGARDING THE JAMES A.
FITZPATRICK NUCLEAR POWER PLANT**

Dear Sir or Madam:

The following documents are enclosed for official filing with the U.S. Environmental Protection Agency:

1. Five copies of the draft Supplement 31 to NUREG-1437, "Generic Environmental Impact Statement for License Renewal of Nuclear Plants," regarding the license renewal of James A. FitzPatrick Nuclear Power Plant.
2. Five copies of the U.S. Nuclear Regulatory Commission's distribution list for the draft Supplement 31 to NUREG-1437.

Simultaneously with this filing, a copy of the draft Supplement 31 is being mailed to interested Federal and State agencies, industry organizations, interest groups, and members of the public. A copy of this document has also been placed in the NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is located on the NRC's Web site at <http://adamswebsearch.nrc.gov/dologin.htm>. The Accession Number for the draft Supplement 31 to the GEIS is ML071420019. Please note that the public comment period for the draft Supplement 31 to the GEIS ends on September 05, 2007.

Environmental Protection Agency

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If further information is required, please contact the NRC Environmental Project Manager,
Ms. Jessie M. Muir at 301-415-0491 or by e-mail at jmm7@nrc.gov.

Sincerely,

/RA/

Rani L. Franovich, Branch Chief
Environmental Branch B
Division of License Renewal
Office of Nuclear Reactor Regulation

Docket No: 50-333

Enclosures:
As stated

cc w/encls: See next page

June 8, 2007

Ms. Carol Ash, SHPO
Parks, Recreation & Historic Preservation
Agency Building #1
Empire State Plaza
Albany, NY 12238

SUBJECT: JAMES A. FITZPATRICK NUCLEAR POWER PLANT LICENSE RENEWAL
APPLICATION REVIEW (SHPO NO. 06PR0982)

Dear Ms. Ash:

The U.S. Nuclear Regulatory Commission (NRC) staff is reviewing an application to renew the operating license for James A. FitzPatrick Nuclear Power Plant (JAFNPP), which is located on Lake Ontario in Oswego County, approximately seven miles northeast of the City of Oswego, New York. JAFNPP is operated by Entergy Nuclear Operations, Inc. and owned by Entergy Nuclear FitzPatrick, LLC. As part of its review of the proposed action, the NRC staff has prepared a site-specific Supplemental Environmental Impact Statement (SEIS) to its "Generic Environmental Impact Statement for License Renewal of Nuclear Plants" (GEIS), NUREG-1437. The SEIS includes analyses of relevant environmental issues, including potential impacts to historic, archaeological and cultural properties from extended operation and refurbishment activities associated with license renewal. In accordance with our letter to you dated September 15, 2006 (Enclosure 1), a copy of the draft SEIS is enclosed. Pursuant to 36 CFR 600.8(c), we are requesting your comments on the draft supplement and on our preliminary conclusions regarding historic properties.

As stated in our September 15, 2006 letter, the NRC staff has determined that the area of potential effect (APE) for a license renewal action is the area at the power plant site and its immediate environs that may be impacted by post-license renewal land-disturbing operations or projected refurbishment activities associated with the proposed action. The staff views the APE for the JAFNPP license renewal as including the JAFNPP site and the immediate environs.

The NRC staff has conducted an environmental audit at the site and has reviewed historic and archaeological records. The NRC staff also contacted seven Native American Tribes (Enclosure 2) identified as having potential interest in the proposed undertaking. The NRC received one letter in response, dated November 13, 2006, from the General Counsel for the Onondaga Nation stating their opposition to the potential JAFNPP license renewal (Enclosure 3).

In the context of the National Environmental Policy Act of 1969, under which the draft environmental impact statement was prepared, the NRC staff's preliminary determination is that the impact of license renewal on historic and archaeological resources is small, and additional mitigation is not warranted. Under the provisions of the National Historic Preservation Act of 1966, the NRC staff's preliminary determination is that no historic properties will be affected by the proposed action.

-2-

Please note that the period for public comment expires on September 5, 2007. If your office requires additional time, or if there are any other questions regarding this correspondence, please have your representative contact the Environmental Project Manager, Ms. Jessie M. Muir, at 301-415-0491 or jmm7@nrc.gov

Sincerely,

/RA/

Rani Franovich, Branch Chief
Environmental Branch B
Division of License Renewal
Office of Nuclear Reactor Regulation

Docket No: 50-333

Enclosures:
As stated

cc: See next page



United States Department of the Interior

FISH AND WILDLIFE SERVICE

1817 Loker Road,
Conrad, NY 13605



November 15, 2007

Mrs. Rani Franovich, Branch Chief
Environmental Branch B
Division of License Renewal
Office of Nuclear Reactor Regulation
United States Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Mrs. Franovich:

This is in regards to the proposed James A. Fitzpatrick Nuclear Power Plant (Plant). The U.S. Nuclear Regulatory Commission (NRC) is evaluating Entergy Nuclear FitzPatrick, LLC's (Entergy) application to renew the Plant's operating license for a period of 20 years. The current license will expire on October 17, 2014. The Plant is located in the Town of Scriba, Oswego County, New York, on the shore of Lake Ontario. Associated transmission lines and substations occur in Oswego and Oneida Counties.

We understand that no major construction, refurbishment, or system, structure, or component replacement activities associated with license renewal are expected. If the NRC approves the license renewal application, the reactors and support facilities, including the cooling system, would be expected to continue to be operated and maintained. Approximately 98 miles (1,270 acres) of transmission line rights-of-way would also be required by personnel from Entergy, the Nine Mile Point Nuclear Station (NMPNS), and the New York Power Authority (NYPA). The majority of line is owned by the NYPA.

Pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*), the NRC completed a Biological Assessment (BA) dated May 2007 which addressed the potential project's impacts on, at that time, the Federally-listed threatened bald eagle (*Haliaeetus leucocephalus*), the Federally-listed threatened bog turtle (*Clemmys muhlenbergii*), the Federally-listed endangered Indiana bat (*Myotis sodalis*), and the Federal candidate species, the Eastern massasauga (*Sistrurus catenatus catenatus*). The BA also addressed the Federally-listed endangered Great Lakes breeding population of the piping plover (*Charadrius melanocephalus*) and its designated critical habitat.

In your May 23, 2007, letter and BA, the NRC determined the proposed project may affect but is not likely to adversely affect the bald eagle, bog turtle, Indiana bat, and Eastern massasauga. The Department of the Interior's August 28, 2007, letter to Ms. Jessie Muir, of the NRC, concluded that no further coordination or consultation pursuant to the ESA was required for the bald eagle, Eastern massasauga, or the piping plover. However, the NRC, Entergy, NMPNS, and NYPA should follow the Bald Eagle Management Guidelines found on our website to avoid any impacts

to the bald eagle which continues to receive protection under the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended; 16 U.S.C. 668 *et seq.*).

On June 22, 2007, Ms. Robyn Niver, of this office, and Ms. Muir discussed the proposed project's potential for impacts to the bog turtle and Indiana bat. During that call, the U.S. Fish and Wildlife Service (Service) requested additional information to assist with our understanding of the proposed project. We also requested Geographic Information Systems (GIS) data to better understand the locations of transmission lines and substations.

Based on the additional information provided in an August 20, 2007, letter from Ms. Jessie Muir, of the NRC, we concur that the activities associated with operating and maintaining the Plant and associated transmission lines are not likely to adversely affect the Indiana bat as any adverse effects will be either insignificant (effects which are unable to be meaningfully measured, detected, or evaluated) or discountable (effects extremely unlikely to occur).

We also concur that activities conducted at the Plant are not likely to adversely affect the bog turtle. However, we are unable to concur that transmission line maintenance activities are not likely to adversely affect the bog turtle given our understanding of the project location and activities. We understand that the following activities are likely to occur within rights-of-way: mowing, herbicide application, use of motorized vehicles, and tree-trimming or removal. These activities have the potential to impact bog turtles and/or their habitat. Therefore, we recommend that a qualified surveyor conduct Phase I surveys (potential habitat surveys) for any wetlands that may be disturbed during the operating and maintenance of the lines. Some surveys have already been completed in Oswego County that may reduce the ultimate scope of necessary survey work. We understand that NRC does not maintain GIS data for the proposed project and have requested this directly from the NYPA to determine whether any known or previously identified potential habitat for bog turtles occurs within the associated ROWs. You can find Phase I guidelines and template reporting forms on our website.* If known sites or potential habitat is present within the ROWs, further coordination/consultation with the Service is required. NYPA can also assume that all wetlands provide habitat for the bog turtle and employ standard avoidance and minimization measures (e.g., timing of activities). Please contact Ms. Niver for further information regarding options for addressing this species. In addition, we request a copy of the NYPA System Right-of-Way Management Plan for further description of maintenance activities.

Should project plans change, or if additional information on listed or proposed species or critical habitat becomes available, these determinations may be reconsidered. The most recent compilation of Federally-listed and proposed endangered and threatened species in New York is available for your information.** Until the proposed project is complete, we recommend that you check our website every 90 days from the date of this letter to ensure that listed species presence/absence information for the proposed project is current.*

The above comments pertaining to endangered species under our jurisdiction are provided pursuant to the ESA. This response does not preclude additional Service comments under any other legislation.

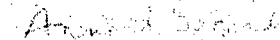
As a reminder, all Federally-listed species, as well as the Eastern massasauga and bald eagle, are also listed by the State of New York. Any additional information regarding the proposed project and its potential to impact listed species should be coordinated with both this office and with the NYSDEC. The NYSDEC contact for the Endangered Species Program is Mr. Peter Nye, Endangered Species Unit, 625 Broadway, Albany, NY 12233 (telephone: [518] 402-8859).

Appendix E

For additional information on fish and wildlife resources or State-listed species, we suggest you contact the appropriate NYSDEC regional office(s) and the New York Natural Heritage Program Information Services.*

If you require additional information please contact Robyn Niver at (607) 753-9334. Future correspondence with us on this project should reference project file 70417.

Sincerely,



David A. Stelwell
Field Supervisor

*Additional information referred to above may be found on our website at:
<http://www.fws.gov/northeast/nyspecies/section7.htm>

cc: NYPA, White Plains, NY (Attn: E. Alkiewicz)
NYSDEC, Syracuse, NY (Env. Permits)
NYSDEC, Albany, NY (Endangered Species; Attn: P. Nye)
COE, Auburn, NY