

NUCLEAR REGULATORY COMMISSION

[DOCKET NO. 52-038; NRC-2008-0581]

Nine Mile Point 3 Nuclear Project, LLC and Unistar Nuclear Operating Services, LLC; Nine Mile Point 3 Nuclear Power Plant Combined License Application; Notice of Intent To Prepare an Environmental Impact Statement and Conduct Scoping

Nine Mile Point 3 Nuclear Project, LLC and Unistar Nuclear Operating Services, LLC have submitted an application for a combined license (COL) to build Unit 3 at its Nine Mile Point Nuclear Power Plant (NMPNPP) site, located on approximately 921 acres in Oswego County, New York on Lake Ontario, approximately five miles north-northeast of Oswego, New York. Nine Mile Point 3 Nuclear Project, LLC and Unistar Nuclear Operating Services, LLC submitted the application for the COL to the U.S. Nuclear Regulatory Commission (NRC) by letter dated September 30, 2008, pursuant to Title 10 of the Code of Federal Regulations (10 CFR) Part 52. A notice of receipt and availability of the application, including the Environmental Report (ER), was published in the **Federal Register** on Tuesday, October 28, 2008 (73 FR 63998). A notice of acceptance for docketing of the application for the COL was published in the **Federal Register** on December 19, 2008 (73 FR 77862). A notice of hearing and opportunity to petition for leave to intervene in the proceeding of the application will be published in a future **Federal Register** Notice. The purposes of this notice are (1) to inform the public that the NRC staff will be preparing an environmental impact statement (EIS) as part of the review of the application for the COL and (2) to provide the public with an opportunity to participate in the environmental scoping process as defined in 10 CFR 51.29.

In addition, as outlined in 36 CFR 800.8(c), "Coordination with the National Environmental Policy Act," the NRC staff plans to coordinate compliance with Section 106 of the National Historic Preservation Act (NHPA) with steps taken to meet the requirements of the National Environmental Policy Act of 1969, as amended (NEPA). Pursuant to 36 CFR 800.8(c), the NRC staff intends to use the process and documentation for the preparation of the EIS on the proposed action to comply with Section 106 of the NHPA in lieu of the procedures set forth on 36 CFR 800.3 through 800.6.

In accordance with 10 CFR 51.45 and 51.50, Nine Mile Point 3 Nuclear

Project, LLC and UniStar Nuclear Operating Services, LLC submitted the ER as part of the application. The ER was prepared pursuant to 10 CFR Parts 51 and 52 and is available for public inspection at the NRC Public Document Room (PDR) located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852, or from the Publicly Available Records (PARS) component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible at <http://www.nrc.gov/reading-rm/adams.html> which provides access through the NRC's Electronic Reading Room (ERR) link. The accession number in ADAMS for the environmental report is ML083100609. 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 at 1-800-397-4209/301-415-4737 or by e-mail to pdr@nrc.gov. The application may also be viewed on the Internet at <http://www.nrc.gov/reactors/new-reactors/col/nine-mile-point.html>. In addition, both the Oswego Public Library at 120 East First Street, Oswego, New York and SUNY Oswego Penfield Library at 7060 State Route 104, Oswego, New York have agreed to make the ER available for public inspection.

The following key reference documents related to the application and the NRC staff's review processes are available through the NRC's Web site at <http://www.nrc.gov>:

- a. 10 CFR Part 51, Environmental Protection Regulations for Domestic Licensing and Related Regulatory Function;
- b. 10 CFR Part 52, Licenses, Certifications, and Approvals for Nuclear Power Plants;
- c. 10 CFR Part 100, Reactor Site Criteria;
- d. NUREG-1555, Standard Review Plans for Environmental Reviews for Nuclear Power Plants;
- e. NUREG/BR-0298, Brochure on Nuclear Power Plant Licensing Process;
- f. Regulatory Guide 4.2, Preparation of Environmental Reports for Nuclear Power Stations;
- g. Regulatory Guide 4.7, General Site Suitability Criteria for Nuclear Power Stations;
- h. Fact Sheet on Nuclear Power Plant Licensing Process;
- i. Regulatory Guide 1.206, Combined License Applications for Nuclear Power Plants; and
- j. Nuclear Regulatory Commission Policy Statement on the Treatment of Environmental Justice Matters in NRC Regulatory and Licensing Actions.

The regulations, NUREG-series documents, regulatory guides, and the fact sheet can be found under Document Collections in the Electronic Reading Room on the NRC webpage. The environmental justice policy statement can be found in the **Federal Register**, 69 FR 52040, August 24, 2004.

This notice advises the public that the NRC intends to gather the information necessary to prepare an EIS as part of the review of the application for the COL at the Nine Mile Point 3 Nuclear Power Plant site. Possible alternatives to the proposed action (issuance of the COL for the Nine Mile Point 3 Nuclear Power Plant) include no action, reasonable alternative energy sources, and alternate sites. As set forth in 10 CFR 51.20(b)(2), issuance of a COL under 10 CFR Part 52 is an action that requires EIS. This notice is being published in accordance with NEPA and the NRC's regulations in 10 CFR Part 51.

The NRC will first conduct a scoping process for the EIS and, as soon as practicable thereafter, will prepare a draft EIS for public comment. Participation in this scoping process by members of the public and local, State, Tribal, and Federal government agencies is encouraged. The scoping process for the draft EIS will be used to accomplish the following:

- a. Define the proposed action that is to be the subject of the EIS;
- b. Determine the scope of the EIS and identify the significant issues to be analyzed in depth;
- c. Identify and eliminate from detailed study those issues that are peripheral or that are not significant;
- d. Identify any environmental assessments and other EISs that are being or will be prepared that are related to but are not part of the scope of the EIS being considered;
- e. Identify other environmental review and consultation requirements related to the proposed action;
- f. Identify parties consulting with the NRC under the NHPA, as set forth in 36 CFR 800.8(c)(1)(i);
- g. Indicate the relationship between the timing of the preparation of the environmental analyses and the Commission's tentative planning and decision-making schedule;
- h. Identify any cooperating agencies and, as appropriate, allocate assignments for preparation and schedules for completing the EIS to the NRC and any cooperating agencies; and
- i. Describe how the EIS will be prepared, including any contractor assistance to be used.

The NRC invites the following persons or entities to participate in the scoping process:

a. The applicants, Nine Mile Point 3 Nuclear Project, LLC and UniStar Nuclear Operating Services, LLC;

b. Any Federal agency that has jurisdiction by law or special expertise with respect to any environmental impact involved or that is authorized to develop and enforce relevant environmental standards;

c. Affected State and local government agencies, including those authorized to develop and enforce relevant environmental standards;

d. Any affected Indian tribe;

e. Any person who requests or has requested an opportunity to participate in the scoping process; and

f. Any person who intends to petition for leave to intervene in the proceeding, or who has submitted such a petition, or who is admitted as a party.

In accordance with 10 CFR 51.26, the scoping process for an EIS may include a public scoping meeting to help identify significant issues related to a proposed activity and to determine the scope of issues to be addressed in an EIS. The NRC will hold two identical 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, February 25, 2009. The first meeting will convene at 1 p.m. and will continue until approximately 4 p.m. The second meeting will convene at 6 p.m., with a repetition of the overview portions of the first meeting, and will continue until approximately 9 p.m. The date of Thursday, February 26, 2009, is the alternative date for the scoping meeting in the event that SUNY-Oswego is closed on Wednesday, February 25, 2009, due to inclement weather. In the event that SUNY-Oswego is closed on both dates due to inclement weather the scoping meeting will be rescheduled and the meeting date and time will be published in the **Federal Register**. The determination to close the campus is made by the Governor of New York. Information on campus closure can be found on the following Web site: http://www.oswego.edu/administration/public_affairs/emergency/snow/cancellations.html under the subheading Campus Closing. The meetings will be transcribed and will include the following: (1) An overview by the NRC staff of the NEPA environmental review process, the proposed scope of the EIS, and the proposed review schedule; and (2) the opportunity for interested government agencies, organizations, and individuals

to submit comments or suggestions on the environmental issues or the proposed scope of the EIS. Additionally, the NRC staff will host informal discussions for one hour prior to the start of each public meeting. No formal comments on the proposed scope of the EIS will be accepted during the informal discussions. To be considered, comments must be provided either at the transcribed public meeting or in writing, as discussed below.

Persons may register to attend or present oral comments at the meeting on the scope of the NEPA review by contacting Mr. Philip Brandt or Ms. Jessie M. Muir by telephone at 1-800-368-5642, extension 3550 or 0491, or by e-mail to the NRC at NMP3.COLEIS@nrc.gov no later than February 18, 2009. Members of the public may also register to speak at the meeting prior to the start of the session. Individual oral comments may be limited by the time available, depending on the number of persons who register. Members of the public who have not registered may also have an opportunity to speak, if time permits. Public comments will be considered in the scoping process for the EIS. If special equipment or accommodations are needed to attend or present information at the public meeting, the need should be brought to Ms. Muir's attention no later than February 18, 2009, so that the NRC staff can determine whether the request can be accommodated.

Members of the public may send written comments on the scope of the Nine Mile Point 3 Nuclear Power Plant COL environmental review to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, Mailstop TWB-05-B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this **Federal Register** notice. To ensure that comments will be considered in the scoping process, written comments must be postmarked by March 31, 2009. Electronic comments may be sent by e-mail to the NRC at NMP3.COLEIS@nrc.gov. Electronic submissions must be sent no later than March 31, 2009. Comments will be made available electronically and will be accessible through the NRC's Electronic Reading Room link <http://www.nrc.gov/reading-rm/adams.html>. The NRC staff may, at its discretion, consider comments after the end of the comment period.

Participation in the scoping process for the EIS does not entitle participants to become parties to the proceeding to

which the EIS relates. A notice of hearing and opportunity to petition for leave intervene in the proceeding on the application for the COL will be published in a future **Federal Register** notice.

At the conclusion of the scoping process, the NRC staff will prepare a concise summary of the determinations, and conclusions reached on the scope of the environmental review including the significant issues identified, and will send this summary to each participant in the scoping process for whom the staff has an address. The staff will then prepare and issue for comment the draft EIS, which will be the subject of a separate **Federal Register** notice and a separate public meeting. Copies of the draft EIS will be available for public inspection at the PDR through the above-mentioned address and one copy per request will be provided free of charge. After receipt and consideration of comments on the draft EIS, the NRC will prepare a final EIS, which will also be available to the public.

Information about the proposed action, the EIS, and the scoping process may be obtained from Mr. Philip Brandt at U.S. Nuclear Regulatory Commission, Mail Stop T6-D32M, Washington, DC 20555-0001, by phone at 301-415-3550, or by e-mail at Philip.Brandt@nrc.gov and from Ms. Jessie M. Muir at 301-415-0491 or by e-mail at Jessie.Muir@nrc.gov.

Dated at Rockville, Maryland, this 26th day of January 2009.

For The Nuclear Regulatory Commission.

Andrew C. Campbell,

Acting Director, Division of Site and Environmental Reviews, Office of New Reactors.

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SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549-0213.

Extension:

Form SH—OMB Control No. 3235-0646—SEC File No. 270-585.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission ("Commission") is soliciting comments on the collection of information