

## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–334 and 50–412; NRC–2008–0531]

### FirstEnergy Nuclear Operating Company; Notice of Availability of the Final Supplement 36 to the Generic Environmental Impact Statement for License Renewal of Nuclear Plants, Regarding the License Renewal of Beaver Valley Power Station, Units 1 and 2

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission or NRC) has published a final plant-specific supplement to the “Generic Environmental Impact Statement for License Renewal of Nuclear Plants (GEIS),” NUREG–1437, regarding the renewal of operating licenses DPR–66 and NPF–73 for an additional 20 years of operation for the Beaver Valley Power Station, Units 1 and 2, which are located in Shippingport, PA about 25 miles northwest of Pittsburgh, PA. Possible alternatives to the proposed action (license renewal) include no action and reasonable alternative energy sources.

As discussed in Section 9.3 of the final Supplement 36, based on: (1) The analysis and findings in the GEIS; (2) the Environmental Report submitted by FirstEnergy Nuclear Operating Company; (3) consultation with Federal, State, and local agencies; (4) the NRC staff’s own independent review; and (5) the NRC staff’s consideration of public comments during the scoping and draft Supplemental Environment Impact Statement (SEIS) comment period, the recommendation of the staff is that the Commission determine that the adverse environmental impacts of license renewal for BVPS Units 1 and 2 are not so great that preserving the option of license renewal for energy-planning decision makers would be unreasonable.

The final Supplement 36 to the GEIS 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/dologin.htm>. The Accession Number for the final Supplement 36 to the GEIS is ML091260011. 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.resource@nrc.gov](mailto:pdr.resource@nrc.gov). In

addition, the following libraries have agreed to make the final SEIS available for public inspection.

- Beaver Area Memorial Library, 100 College Ave., Beaver, PA 15009–2704, telephone 724–775–1132
- Beaver County Library System, 1 Campus Drive, Monaca, PA 15061, telephone 724–728–3737

**FOR FURTHER INFORMATION, CONTACT:** Mr. Emmanuel Sayoc, Projects Branch 2, Division of License Renewal, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Mail Stop O–11F1, Washington, DC 20555–0001. Mr. Emmanuel Sayoc may be contacted by telephone at 1–800–368–5642, extension 1924 or by e-mail at [Emmanuel.Sayoc@nrc.gov](mailto:Emmanuel.Sayoc@nrc.gov).

Dated at Rockville, Maryland, this 14th day of May, 2009. For the Nuclear Regulatory Commission.

**David J. Wrona,**

*Chief, Projects Branch 2, Division of License Renewal, Office of Nuclear Reactor Regulation.*

[FR Doc. E9–11877 Filed 5–20–09; 8:45 am]

**BILLING CODE 7590–01–P**

## 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 on the application will be published in a future **Federal Register** Notice. The purposes of this notice of intent 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 at 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 ML090970496. 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.resource@nrc.gov](mailto:pdr.resource@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 Web page. 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 an 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 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 p.m. and will continue until approximately 4 p.m. This meeting 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. For the afternoon scoping meeting, persons may preregister to attend or present oral comments on the scope of the NEPA review by contacting Mr. Paul Michalak by telephone at 1-800-368-5642, extension 7612, or by e-mail to the NRC at [NMP3.COLEIS@nrc.gov](mailto:NMP3.COLEIS@nrc.gov) no later than June 5, 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. Additionally, the NRC staff will host informal discussions for one hour prior to the start of the afternoon meeting. No formal comments on the proposed scope of the EIS will be accepted during the informal discussions. At the afternoon scoping meeting, comments to be considered in the development of the EIS must be provided either at the transcribed public meeting or in writing, as discussed below.

The second meeting will convene at 6 p.m. and will continue until approximately 9 p.m. This meeting will be conducted in an open-house format, with NRC staff available to answer questions concerning the NEPA environmental review process, including the staff's technical approaches to environmental review areas covered in the EIS; the proposed scope of the EIS; and the proposed review schedule. Given the informal structure of the open-house meeting, members of the public are encouraged to attend any time between 6 p.m. and 9 p.m. A court reporter will be present to transcribe formal comments or suggestions on environmental issues or the proposed scope of the EIS from interested government agencies, organizations, and individuals. Written comments will also be accepted during the open house scoping meeting. To avoid potential waiting lines at the court reporter, members of the public can choose to preregister to provide oral comments on the scope of the NEPA review by contacting Mr. Paul Michalak by telephone at 1-800-368-5642, extension 7612, or by e-mail to the NRC at [NMP3.COLEIS@nrc.gov](mailto:NMP3.COLEIS@nrc.gov) no later than June 5, 2009. Preregistration will

include the name of the individual/organization and the time (*i.e.*, between 6 and 9 p.m.) the oral comment will be provided. Individuals/organizations may also register to provide oral comments during the open-house meeting. Individual oral comments may be limited by the time available, depending on the number of persons who register.

Please note that if special equipment or accommodations are needed to attend or present information at either public meeting, the need should be brought to Mr. Michalak's attention no later than June 5, 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, Rulemaking 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 July 20, 2009. Electronic comments may be sent by e-mail to the NRC at [NMP3.COLEIS@nrc.gov](mailto:NMP3.COLEIS@nrc.gov). Electronic submissions must be sent no later than July 20, 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 submitted 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. Paul Michalak at U.S. Nuclear Regulatory Commission, Mail Stop T6-D32, Washington, DC 20555-0001, by phone at 301-415-7612, or by e-mail at [Paul.Michalak@nrc.gov](mailto:Paul.Michalak@nrc.gov).

Dated at Rockville, Maryland, this 14th day of May 2009.

For the Nuclear Regulatory Commission.

**Scott C. Flanders,**

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

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**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

**[Docket No. 72-04; NRC-2008-0333]**

### **Notice of Availability of Environmental Assessment and Finding of No Significant Impact for the Renewal of U.S. Nuclear Regulatory Commission License No. SNM-2503 for Oconee Nuclear Station Independent Spent Fuel Storage Installation**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of availability.

#### **FOR FURTHER INFORMATION CONTACT:**

Haimanot Yilma, Environmental Project Manager, Environmental Review Branch, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Rockville, Maryland 20852. Telephone: (301) 415-8029; fax number: (301) 415-3502; e-mail: [haimanot.yilma@nrc.gov](mailto:haimanot.yilma@nrc.gov).

#### **SUPPLEMENTARY INFORMATION:**

#### **I. Introduction**

The U.S. Nuclear Regulatory Commission (NRC) is considering an application dated January 30, 2008, from Duke Power Company LLC d/b/a Duke Energy Carolinas, LLC, (Duke) for the renewal of its Special Nuclear Material (SNM) License SNM-2503, under the provisions of 10 CFR part 72, for the receipt, possession, storage and transfer of spent fuel and other radioactive materials associated with spent fuel storage at the Oconee Nuclear Station (ONS) Independent Spent Fuel Storage Installation (ISFSI), located at

the ONS site in Oconee County, South Carolina. If granted, the renewed license will authorize Duke to continue to store spent fuel in a dry cask storage system at the ISFSI. Pursuant to the provisions of 10 CFR 72.42, the renewal term of the license for an ISFSI is limited to 20 years. Duke, however, has also submitted an exemption request with its license renewal application, pursuant to 10 CFR 72.7, seeking a license renewal term of 40 years. In accordance with 10 CFR 72.34, Duke's renewal application included an Environmental Report (which is attached as Enclosure 3, Appendix E of Duke's application).

SNM-2503 expires on January 31, 2010. This renewal and exemption request, if granted, will extend the term of SNM-2503 to January 31, 2050.

The NRC has prepared an Environmental Assessment (EA) in support of this action in accordance with the requirements of 10 CFR Part 51. Based on the EA, the NRC has determined that a Finding of No Significant Impact (FONSI) is appropriate. If Duke's request is approved, the NRC will issue the renewed license following the publication of this EA and FONSI.

## **II. EA Summary**

### *Description of the Proposed Action*

Duke requests approval to renew SNM-2503 for an additional 40 years at the ONS, South Carolina facility. If approved, Duke will be allowed to receive, possess, store and transfer the power reactor spent fuel and other radioactive materials associated with spent fuel storage at the ISFSI until January 31, 2050.

### *Need for the Proposed Action*

Duke owns and operates three nuclear power reactor units on the ONS site, Oconee Units 1, 2, and 3, which began commercial operation on July 15, 1973, September 9, 1974, and December 16, 1974, respectively. The current Facility Operating licenses (FOLs) for Oconee Units 1, 2, and 3 will expire on February 6, 2033; October 6, 2033; and July 19, 2034, respectively. The ONS ISFSI is needed to provide continued spent fuel storage capacity so that the ONS can continue to generate electricity. SNM-2503, if renewed for only the 20 year term provided by the applicable regulation, 10 CFR 72.42, will expire on January 31, 2030, which is approximately 4 years before the FOLs expire. During that time, Duke anticipates that the ISFSI will continue to be required for spent fuel storage in concert with the ONS spent fuel pools and the additional independent spent