PERMIT

Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
ENTERGY NUCLEAR FITZPATRICK STATION LLC
268 LAKE RD EAST
PO BOX 110
LYCOMING, NY 13093-0110

Facility:
FITZPATRICK NUCLEAR POWER PLANT

268 LAKE ROAD EAST
LYCOMING, NY 13093

Facility Location: in SCRIBA in OSWEGO COUNTY
Facility Principal Reference Point: NYTM-E: 387.017 NYTM-N: 4819.85
Latitude: 43°31'22.9" Longitude: 76°23'53.0"

Authorized Activity: This 401 Water Quality Certification certifies that the operation of the Fitzpatrick Nuclear Power Plant under a renewed federal license by the U.S. Nuclear Regulatory Commission (NRC) will not contravene water quality standards. The federal license issued by the NRC authorizes the operation of the facility until October 17, 2034. This water quality certification is authorized to run concurrently with the federal license. The Department will reevaluate the facility on a five-year basis for renewal of the SPDES permit.

Permit Authorizations

Industrial SPDES - Surface Discharge - Under Article 17, Titles 7 & 8
Permit ID 7-3556-00020/00001

Renewal	Effective Date: 8/1/2008	Expiration Date: 7/31/2013
Modification # 1	Effective Date: 8/1/2008	Expiration Date: 7/31/2013

Water Quality Certification - Under Section 401 - Clean Water Act
Permit ID 7-3556-00020/00024

Modification # 0	Effective Date: 8/1/2008	Expiration Date: 10/17/2034

NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: WILLIAM R ADRIANCE, Chief Permit Administrator
Address: NYSDEC HEADQUARTERS
625 BROADWAY
ALBANY, NY 12233

Authorized Signature: William R Adriance Date 7/23/08

Permit Components

INDUSTRIAL SPDES - SURFACE DISCHARGE PERMIT CONDITIONS

NATURAL RESOURCE PERMIT CONDITIONS

WATER QUALITY CERTIFICATION SPECIFIC CONDITION

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

INDUSTRIAL SPDES - SURFACE DISCHARGE PERMIT CONDITIONS

1. **Operating in Accordance with SPDES Rules** This SPDES permit is issued in compliance with Title 8 of Article 17 of the Environmental Conservation Law of New York State and in compliance with the Clean Water Act, as amended, (33 U.S.C. §1251 et.seq.).

The permittee is authorized to discharge in accordance with effluent limitations; monitoring and reporting requirements; other provisions and conditions set forth in this permit; and NYCRR Title 6, Chapter X, State Pollutant Discharge Elimination System (SPDES) Permits Part 750-1.2(a) and 750-2.

2. **Annual Regulatory Fee** Permittees are responsible for payment of the annual regulatory fee billed by the Department. Failure to pay can result in imposition of penalties or revocation or suspension of this permit. The permittee is responsible for payment of the fee until the discharge ceases and the permittee requests and receives Department concurrence for termination of coverage under the permit or the Department approves a transfer of the permit to a new permittee.

3. **Conformance with Plans** The Certificate Holder shall operate the subject facility in accordance with Department-approved plans and reports submitted in conjunction with the SPDES permit.

NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: WATER QUALITY CERTIFICATION

1. **Conformance With Plans** All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by Entergy Nuclear James A. FitzPatrick, LLC.

2. **Compliance With Water Quality Standards** Pursuant to Section 401 of the Clean Water Act New York State Department of Environmental Conservation must certify that the renewal of the federal license by the Nuclear Regulatory Commission will not contravene New York State Water Quality Standards. The Certificate Holder is required to meet all water quality standards set forth in 6 NYCRR Parts 700 – 704.

Pursuant to Section 704.5 (Intake Structures) the Certificate Holder is required to minimize adverse environmental impact, and specifically, minimize impingement mortality and entrainment of aquatic organisms at the facility. The SPDES permit issued pursuant to 6 NYCRR Part 750, contains requirements for the installation of a Fish Handling Return System (FHRS) and for a technology review and biological studies to be undertaken according to a compliance schedule for the facility to meet the above referenced standard.
The Section 704.5 conditions set forth in the SPDES permit are incorporated into this water quality certification by reference. This approval certifies that provided the Certificate Holder is in compliance with the requirements and limitations incorporated into the SPDES permit, the Certificate Holder is in compliance with water quality standards.

3. **Coverage under 401 Water Quality Certification** This Water Quality Certification covers normal operation of the facility. It does not cover ongoing maintenance activities that result in discharges into the Waters of United States that trigger Section 404 Clean Water Act individual permits by the U.S. Army Corps of Engineers. Any proposed work on the shoreline must be covered by the appropriate Department permits which may include: Article 15, Protection of Waters; Article 34, Coastal Erosion; or Section 401 of the federal Clean Water Act.

4. **State May Order Removal or Alteration of Work** If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

5. **State Not Liable for Damage** The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

6. **Precautions Against Contamination of Waters** All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.

7. **Even Dredging** Any material dredged in the conduct of the work herein permitted shall be removed evenly, without leaving large refuse piles, ridges across or along the bed of a waterway or floodplain, deposits within any regulatory floodway, or deep holes that may have a tendency to cause damage to navigable channels or to the banks of a waterway.

8. **State May Require Site Restoration** If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS

1. **Water Quality Certification** The NYS Department of Environmental Conservation hereby certifies that the subject project will not contravene effluent limitations or other limitations or standards under Sections 301, 302, 303, 306 and 307 of the Clean Water Act of 1977 (PL 95-217) provided that all of the conditions listed herein are met.

GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. **Facility Inspection by The Department** The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. **Relationship of this Permit to Other Department Orders and Determinations** Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. **Applications For Permit Renewals, Modifications or Transfers** The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Chief Permit Administrator
NYSDEC HEADQUARTERS
625 BROADWAY
ALBANY, NY12233

4. **Submission of Renewal Application** The permittee must submit a renewal application at least 180 days before permit expiration for the following permit authorizations: Industrial SPDES - Surface Discharge.

5. **Submission of Renewal Application** The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Water Quality Certification.

6. **Permit Modifications, Suspensions and Revocations by the Department** The Department reserves the right to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

a. materially false or inaccurate statements in the permit application or supporting papers;

b. failure by the permittee to comply with any terms or conditions of the permit;

c. exceeding the scope of the project as described in the permit application;

d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;

e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

7. **Permit Transfer** Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification
The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit
The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits
The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.