



OFFICE OF THE  
GENERAL COUNSEL

UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
WASHINGTON, D.C. 20555-0001

December 24, 2008

Lawrence G. McDade, Chair  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
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Washington, D.C. 20555

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Dr. Richard E. Wardwell  
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Washington, D.C. 20555

In the Matter of  
ENERGY NUCLEAR OPERATIONS, INC.  
(Indian Point Nuclear Generating Units 2 and 3)  
Docket Nos. 50-247-LR/286-LR

Dear Administrative Judges:

This is to inform you that on December 22, 2008, the NRC Staff issued Draft Supplement 38 to the "Generic Environmental Impact Statement for License Renewal of Nuclear Plants," NUREG-1437, the site-specific Draft Supplemental Environmental Impact Statement (SEIS) concerning the license renewal application for Indian Point Nuclear Generating Unit Nos. 2 and 3.

Enclosed please find a copy of a letter from David J. Wrona (NRC) to Entergy Nuclear Operations, Inc., dated December 22, 2008, providing notice of the availability of the Draft SEIS and attaching a copy of the Notice that will be published shortly in the Federal Register. As indicated in the Notice, the Staff plans to conduct two public meetings to provide an overview of the Draft SEIS and to receive comments thereon, on February 12, 2009, in Cortlandt Manor NY. Written comments on the Draft SEIS may also be submitted, for receipt by March 18, 2009.

The Draft SEIS is comprised of two volumes. Volume 1 contains the Draft SEIS; Volume 2 contains Appendices A through I. These documents may be viewed and accessed in the NRC's Agencywide Documents Access & Management System (ADAMS), as follows:

Judge McDade  
Judge Lathrop  
Judge Wardwell

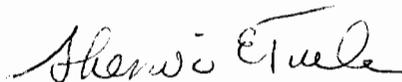
- 2 -

December 24, 2008

Volume 1: ADAMS Accession No. ML083540594  
Volume 2: ADAMS Accession No. ML083540614

Printed copies of the Draft SEIS are being prepared, and will be provided to the Licensing Board, the parties and other participants in this proceeding when the copies become available.

Sincerely,

A handwritten signature in black ink, appearing to read "Sherwin E. Turk". The signature is written in a cursive style with a prominent flourish at the end.

Sherwin E. Turk  
Counsel for NRC Staff

Enclosure: As stated

cc w/Encl: Service List

December 22, 2008

Vice President, Operations  
Entergy Nuclear Operations, Inc.  
Indian Point Energy Center  
450 Broadway, GSB  
P.O. Box 249  
Buchanan, NY 10511-0249

SUBJECT: NOTICE OF AVAILABILITY OF THE DRAFT PLANT-SPECIFIC  
SUPPLEMENT 38 TO THE GENERIC ENVIRONMENTAL IMPACT  
STATEMENT FOR LICENSE RENEWAL OF NUCLEAR PLANTS REGARDING  
INDIAN POINT NUCLEAR GENERATING UNIT NOS. 2 AND 3 (TAC NOS.  
MD5411 AND MD5412)

Dear Sir or Madam:

The U.S. Nuclear Regulatory Commission (NRC) staff has completed the draft plant-specific Supplement 38 to NUREG-1437, "Generic Environmental Impact Statement for License Renewal of Nuclear Plants (GEIS)," regarding the renewal of operating licenses DPR-26 and DPR-64 for an additional 20 years of operation for the Indian Point Nuclear Generating Unit Nos. 2 and 3 (IP2 and IP3). Enclosed is a copy of the draft supplement and the associated *Federal Register* Notice of Availability. This notice advises the public that the draft supplement is publicly available at the NRC Public Document Room (PDR) or from the NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC website at <http://adamswebsearch.nrc.gov/dologin.htm>. The Accession Numbers for the draft Supplement 38 to the GEIS are ML083540594 (Volume 1, main report) and ML083540614 (Volume 2, appendices). In addition, the White Plains Public Library (White Plains, NY), Hendrick Hudson Free Library (Montrose, NY), and the Field Library (Peekskill, NY), have agreed to make the draft supplement available for public inspection.

As discussed in Section 9.3 of the draft supplement, the preliminary recommendation of the staff is that the Commission determine that the adverse environmental impacts of license renewal for IP2 and IP3 are not so great that preserving the option of license renewal for energy planning decision makers would be unreasonable. This recommendation is based on: (1) the analysis and findings in the GEIS; (2) the Environmental Report submitted by Entergy Nuclear Operations, Inc. (the licensee); (3) consultation with Federal, State, and local agencies; (4) the staff's own independent review; and (5) the staff's consideration of public comments received during the scoping process.

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A separate Notice of Availability of the draft supplemental environmental impact statement will be placed in the *Federal Register* through the U.S. Environmental Protection Agency. If you have any questions regarding this matter, please contact the NRC Environmental Project Manager, Mr. Andrew Stuyvenberg, at 301-415-4006 or by e-mail at [Andrew.Stuyvenberg@nrc.gov](mailto:Andrew.Stuyvenberg@nrc.gov).

Sincerely,

**/RA/**

David J. Wrona, Branch Chief  
Projects Branch 2  
Division of License Renewal  
Office of Nuclear Reactor Regulation

Docket Nos. 50-247 and 50-286

Enclosures:  
As stated

cc w/encls.: See next page

A separate Notice of Availability of the draft supplemental environmental impact statement will be placed in the *Federal Register* through the U.S. Environmental Protection Agency. If you have any questions regarding this matter, please contact the NRC Environmental Project Manager, Mr. Andrew Stuyvenberg, at 301-415-4006 or by e-mail at [Andrew.Stuyvenberg@nrc.gov](mailto:Andrew.Stuyvenberg@nrc.gov).

Sincerely,

**/RA/**

David J. Wrona, Branch Chief  
Projects Branch 2  
Division of License Renewal  
Office of Nuclear Reactor Regulation

Docket Nos. 50-247 and 50-286

Enclosures:  
As stated

cc w/encls.: See next page

DISTRIBUTION: See next page

ADAMS Accession Nos.:

1. Letter w/Svc List, FRN: **ML083390523**
2. "Generic Environmental Impact Statement for License Renewal of Nuclear Plants, Supplement 38": **ML083540594 and ML083540614**
3. Pkg: **ML083570036**

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NAME	IKing	AStuyvenberg	STurk	DWrona
DATE	12/08/08	12/10/08	12/17/08	12/22/08

OFFICIAL RECORD COPY

UNITED STATES NUCLEAR REGULATORY COMMISSION  
INDIAN POINT NUCLEAR GENERATING UNIT NOS. 2 AND 3  
NOTICE OF AVAILABILITY OF THE DRAFT SUPPLEMENT 38 TO THE GENERIC  
ENVIRONMENTAL IMPACT STATEMENT FOR LICENSE RENEWAL OF NUCLEAR PLANTS  
AND PUBLIC MEETING FOR THE LICENSE RENEWAL  
OF INDIAN POINT NUCLEAR GENERATING UNIT NOS. 2 AND 3  
DOCKET NOS. 50-247 and 50-286

Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC, Commission) has published a draft 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-26 and DPR-64 for an additional 20 years of operation for the Indian Point Nuclear Generating Unit Nos. 2 and 3 (IP2 and IP3). IP2 and IP3 are located in Westchester County in the village of Buchanan, New York, approximately 24 miles north of New York City. Possible alternatives to the proposed action (license renewal) include no action and reasonable alternative energy sources. Draft Supplement 38 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 Numbers for draft Supplement 38 to the GEIS are ML083540594 (Volume 1, main report) and ML083540614 (Volume 2, appendices). 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 White Plains Public Library (White Plains, NY),

Hendrick Hudson Free Library (Montrose, NY), and the Field Library (Peekskill, NY), have agreed to make the draft supplement to the GEIS available for public inspection.

Any interested party may submit comments on the draft supplement to the GEIS for consideration by the NRC staff. To be considered, comments on the draft supplement to the GEIS and the proposed action must be received by March 18, 2009; the NRC staff is able to ensure consideration only for comments received on or before this date. Comments received after the due date will be considered only if it is practical to do so. Written comments on the draft supplement to the GEIS should be sent to: Chief, Rulemaking, Directives and Editing Branch, Division of Administrative Services, Office of Administration, Mailstop T-6D59, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001.

Comments may be hand-delivered to the NRC at 11545 Rockville Pike, Room T-6D59, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. on Federal workdays. Electronic comments may be submitted to the NRC by e-mail at [IndianPoint.EIS@nrc.gov](mailto:IndianPoint.EIS@nrc.gov). All comments received by the Commission, including those made by Federal, State, local agencies, Native American Tribes, or other interested persons, will be made available electronically at the Commission's PDR in Rockville, Maryland, and through ADAMS.

The NRC staff will hold a public meeting to present an overview of the draft plant-specific supplement to the GEIS and to accept public comments on the document. The public meeting will be held on February 12, 2009, at the Colonial Terrace, 119 Oregon Road, Cortlandt Manor, New York 10567. 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. Both meetings will be transcribed and will include: (1) a presentation of the contents of the draft plant-specific supplement to the GEIS, and (2) the opportunity for interested government agencies, organizations, and individuals to provide

comments on the draft report. Additionally, the NRC staff will host informal discussions one hour prior to the start of each session at the same location. No comments on the draft supplement to the GEIS will be accepted during the informal discussions. To be considered, comments must be provided either at the transcribed public meeting or in writing. Persons may pre-register to present oral comments at the meeting by contacting Mr. Andrew Stuyvenberg, the NRC Environmental Project Manager at 1-800-368-5642, extension 4006, or by e-mail at [IndianPoint.EIS@nrc.gov](mailto:IndianPoint.EIS@nrc.gov), no later than January 29, 2009. Members of the public may also register to provide oral comments within 15 minutes of the start of each session. Individual, oral comments may be limited by the time available, depending on the number of persons who register. If special equipment or accommodations are needed to attend or present information at the public meeting, the need should be brought to Mr. Stuyvenberg's attention no later than January 26, 2009, to provide the NRC staff adequate notice to determine whether the request can be accommodated.

FOR FURTHER INFORMATION, CONTACT: Mr. Stuyvenberg, Projects Branch 2, Division of License Renewal, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Mail Stop O-11F1, Washington, D.C. 20555-0001. Mr. Stuyvenberg may be contacted at the aforementioned telephone number or e-mail address.

Dated at Rockville, Maryland, this 22<sup>nd</sup> day of December, 2008.

FOR THE NUCLEAR REGULATORY COMMISSION

**/RA/**

David J. Wrona, Branch Chief  
Projects Branch 2  
Division of License Renewal  
Office of Nuclear Reactor Regulation

Letter to Entergy Nuclear Operations, Inc., dated December 22, 2008

SUBJECT: NOTICE OF AVAILABILITY OF THE DRAFT PLANT-SPECIFIC  
SUPPLEMENT 38 TO THE GENERIC ENVIRONMENTAL IMPACT  
STATEMENT FOR LICENSE RENEWAL OF NUCLEAR PLANTS REGARDING  
INDIAN POINT NUCLEAR GENERATING UNIT NOS. 2 AND 3  
(TAC NOS. MD5411 AND MD5412)

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GMeyer, RI  
MMcLaughlin, RI  
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Indian Point Nuclear Generating  
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