



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

September 27, 2010

Ms. Ruth L. Pierpont, Director  
Field Services Bureau  
New York State Parks, Recreation & Historic  
Preservation  
Peebles Island P.O. 189  
Waterford, NY 12188-0189

SUBJECT: INDIAN POINT NUCLEAR GENERATING UNIT NOS. 2 AND 3 LICENSE  
RENEWAL APPLICATION REVIEW (SHPO NO. 06PR06720)

Dear Ms. Pierpont:

As you know, the staff of the U.S. Nuclear Regulatory Commission (NRC) is reviewing an application to renew the operating licenses for Indian Point Nuclear Generating Units No. 2 (IP2) and No. 3 (IP3), which are located in Westchester County, in the Village of Buchanan, New York, approximately 24 miles north of New York City. IP2 and IP3 are operated by Entergy Nuclear Operations, Inc. (Entergy).

On August 9, 2007, the NRC staff wrote to you, informing you of the application, the staff's determination of the area of potential effect (APE), the environmental scoping process that would be conducted and the schedule for review. On December 22, 2008, the NRC staff transmitted to Ms. Carol Ash, the New York State Historic Preservation Officer (SHPO), a copy of the draft Supplemental Environmental Impact Statement (Draft SEIS) for license renewal of IP2 and IP3. In that letter, the NRC staff informed the SHPO that it had made a preliminary determination that the impact of IP2/IP3 license renewal on historical and archaeological resources is "Small," and that no historic properties will be affected by the proposed action. Further, the NRC staff requested the SHPO's comments on the Draft SEIS and the Staff's preliminary conclusions regarding historic properties, and noted that the period for public comment would expire on March 18, 2009. The NRC staff subsequently communicated with Mr. Kenneth Markunas of your office regarding this matter, by telephone and in e-mail messages transmitted on June 30 and September 10, 2009.

To date, the NRC staff has received no comments from your agency regarding the conclusions in the Draft SEIS; the letter of December 22, 2008, to Ms. Carol Ash; or the follow-up e-mails and telephone communications between NRC staff and Mr. Kenneth Markunas of your office. While the formal comment period for the IP2 and IP3 Draft SEIS closed on March 18, 2009, the NRC staff forwarded copies of consultation letters and a hard copy of the Draft SEIS to Mr. Markunas in July 2009, in order to be sure that your agency was aware of the proposed action as well as the NRC staff's conclusions, and to be sure that the letter and Draft SEIS reached the appropriate review staff.

As stated in NRC's letter of December 22, 2008, in the context of the National Environmental Policy Act of 1969 (under which the Draft SEIS was prepared), the NRC staff's preliminary determination is that the impact of license renewal on historical and archaeological resources is small. As further stated in that letter, under the provisions of the National Historic Preservation Act of 1966 (NHPA), the NRC staff's preliminary determination is that no historic properties will be affected by the proposed action. The NRC staff also sought comments from the Delaware

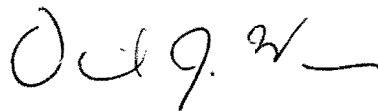
Nation of Oklahoma – which had requested consulting party status – in a letter dated January 12, 2009. The Delaware Nation of Oklahoma submitted no comments on the Draft SEIS.

The NRC staff is aware of your letter dated December 14, 2006, to James A. Thomas of Enercon Services (Entergy's contractor) indicating that the proposed renewal project "will have No Adverse Effect upon cultural resources in or eligible for inclusion in the National Registers of Historic Places." That letter also indicated that your agency had reviewed the project in accordance with Section 106 of the NHPA. While that letter did not address the Draft SEIS for IP2/IP3, its conclusions appear to be consistent with the NRC staff's preliminary determination, recited above, that the impact of IP2/IP3 license renewal on historical and archaeological resources is small, and that no historic properties will be affected by the proposed action.

Pursuant to 36 *Code of Federal Regulations* (CFR) Section 800.4(d)(1)(i), your agency was required to object to the NRC staff's findings within 30 days. Inasmuch as the comment period for the Draft SEIS closed long ago, and no comments have been received from your office regarding the Draft SEIS or the potential impacts of IP2/IP3 license renewal on historical and archaeological resources, the NRC staff considers that it has fulfilled its consultation responsibilities under Section 106 of the NHPA, as stated in 36 CFR § 800.4(d)(1)(i). Nonetheless, if your agency has any comments on the staff's conclusions under NHPA, the NRC staff requests that your agency respond within 15 days of the date of this letter so the comments may be considered by NRC staff.

If you or your staff have any other questions regarding this correspondence, please have your representative contact the Environmental Project Manager, Mr. Andrew Stuyvenberg, at 301-415-4006 or [Andrew.Stuyvenberg@nrc.gov](mailto:Andrew.Stuyvenberg@nrc.gov). Thank you for your time and attention.

Sincerely,



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

Docket Nos. 50-247 and 50-286

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Sincerely,

/RA/

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

Docket Nos. 50-247 and 50-286

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OFFICIAL RECORD COPY

Letter to Ruth L. Pierpoint from David J. Wrona dated September 27, 2010

SUBJECT: INDIAN POINT NUCLEAR GENERATING UNIT NOS. 2 AND 3 LICENSE  
RENEWAL APPLICATION REVIEW (SHPO NO. 06PR06720)

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