

IPRenewal NPEmails

From: Stuyvenberg, Andrew
Sent: Tuesday, September 06, 2011 4:22 PM
To: Gray, Dara F
Cc: IPRenewal NPEmails
Subject: FW: NRC staff comments on Draft BO for Proposed Indian Point License Renewal
Attachments: NMFS Draft Biological Opinion- Consolidated NRC Comments-FINAL.pdf

Dara – Attached you will find the NRC staff's comments on the Draft Biological Opinion. Please let me know if you have any questions.

Best,
Drew

From: Stuyvenberg, Andrew
Sent: Tuesday, September 06, 2011 4:09 PM
To: 'Julie Crocker'
Cc: IPRenewal NPEmails; Logan, Dennis; Turk, Sherwin; Balsam, Briana; Wrona, David
Subject: NRC staff comments on Draft BO for Proposed Indian Point License Renewal

Julie –

Attached please find the NRC staff's comments on the Draft Biological Opinion for the Proposed Indian Point License Renewal. Please let me know if you have any questions regarding the staff's comments.

You'll note that the comments pertain to the body of the Draft Biological Opinion. We are currently drafting a letter to respond to the issues raised in the cover letter to the Draft Biological Opinion. I anticipate that we will issue that letter early next week.

Again, please let me know if you have any questions, and I look forward to being in touch.

Best,
Drew

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Renewal
Sent Date: 9/6/2011 4:21:54 PM
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From: Stuyvenberg, Andrew

Created By: Andrew.Stuyvenberg@nrc.gov

Recipients:
"IPRenewal NPEmails" <IPRenewal.NPEmails@nrc.gov>
Tracking Status: None
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NRC Staff Comments on NMFS's August 26, 2011, Draft Biological Opinion for License Renewal of the Indian Point Nuclear Generating Unit Nos. 2 and 3

General Substantive Comments:

The draft Biological Opinion does not mention Atlantic sturgeon. Should the NRC staff expect further discussions pertaining to the Atlantic sturgeon conference or a conference biological opinion from NMFS in the future? The NRC staff's December 10, 2010, Revised Biological Assessment (ML102990043) requested that NMFS address Atlantic sturgeon as appropriate, and NMFS's letter of February 16, 2011 (ML110550751) confirmed that a formal conference is appropriate.

Specific Substantive Comments:

- Page 3, lines 36-37: The statement "Without renewal, the facilities would close at the end of the current operating period" should be clarified. Following NRC receipt of a timely filed license renewal application, NRC's "timely renewal" provision (in 10 CFR 2.109(b)) provides that the current license is not deemed to have expired until the application has been finally determined. Entergy filed a timely application, and its current operating licenses will therefore not expire until the license renewal proceeding has concluded.
- Page 6, line 2: Correct the sentence to read: "Compliance with the terms of the SPDES permit, however, become part of would be required under the Federal action given that the operating license shall be subject to the conditions imposed under the Clean Water Act."
- Page 11, line 12: Chironomids are not crustaceans; they are insects.
- Page 31, lines 26-27: The draft BO says that "this area [i.e., the action area] is the furthest accessible upstream spawning area." This seems wrong; was "downstream" intended?
- Page 35, lines 15-17: NRC did not "work with Entergy." Correct the sentence to read: "~~During the ESA consultation process, NRC worked with~~ After the NRC staff issued its initial Biological Assessment, Entergy to review the submitted corrected data, revising its previously reported impingement data ~~and to make mathematical corrections associated with to correct certain~~ accounting errors related to sampling frequency."
- Page 37, lines 7-8: The draft BO says, "In the Indian Point BA, NRC states that the modified Ristroph screen and fish return system at Salem is comparable to that at Indian Point." This statement did not appear in the NRC staff's December 2010 Revised Biological Assessment or in the NRC Staff's December 2008 Biological Assessment.
- Page 39, lines 15-19: Correct the sentence to read: "Given the facilities with a once-through cooling water system cannot operate without the intake and discharge of

water, and ~~any limitations or requirements necessary to assure~~ compliance with applicable Clean Water Act provisions would be conditions of the proposed renewed licenses, . . . “

Page 54, lines 16-17: This is not an NRC project; revise clause to read, “are necessary or appropriate ~~for NRC and the applicant, Entergy,~~ to minimize and monitor impacts of incidental take of endangered shortnose sturgeon.”

Page 54, line 28: Revise clause to read, “must be reported to NMFS and NRC.” Similarly, on page 54, NRC should be added to items 3, 4, 5, and 6 to ensure that we get copies of the incident reports and annual reports, and we are notified when Entergy reaches 50% of the incidental take level.

Page 55 On page 55, NMFS should clarify exactly when the monitoring plan would be effective. Right now it seems to indicate that it would be effective the first day of the renewed license issuance, but the language could be clearer.

Page 56, lines 18-21: Revise the clause to read, “An effective monitoring plan is essential to ~~allow NRC and Entergy to~~ fulfill the requirement to monitor the actual level of incidental take associated with the operation of Indian Point . . .”

Page 56, line 38 – Page 57, line 12: Revise both conservation requirements to replace “The NRC should support . . .” with “Entergy should support . . .”

Editorial Comments:

Page 2, line 7: Change 1976 to 1975

Page 4, line 34: Correct the FSEIS section reference “. . . NRC’s FSEIS at Section ~~2.2.53~~ 2.2.5.3 . . .”

Page 7, line 40: Change “uncertainty” to “uncertainty.”

Page 10, line 32: Add a bullet before “provide water for washing . . .”

Page 20, line 19: Change “Moss” to “Most”

Page 21, lines 12, 18, 19, 29, 30, 34-35: Insert distance in “RM” or miles, corresponding to the “rkm” or “km” values given

Page 22, lines 1, 6, Insert distance in “RM” or miles, corresponding to the “rkm” or “km” values given

Page 22, lines 18-19 Insert distance in “rkm,” corresponding to the “RM” value given

Page 23, line 20: Change “IP1 and IP2” to “IP2 and IP3”

- Page 24, line 26: Change “effecting” to “affecting”
- Page 24, lines 33, 34, 35-36: Insert distance in “rkm,” corresponding to the “RM” value given
- Page 30, line 24: revise to read: “historically been a problem for shortnose sturgeon.”
- Page 43, lines 7, 24, 43: Ziegeweid is misspelled (multiple variations).
- Page 44, line 37: Ziegeweid is misspelled (Ziegewald).
- Page 47, lines 20-22: This sentence (concerning uncertainty as to whether NYSDEC will reverse its denial of the Section 401 certificate) seems extraneous and irrelevant to the discussion here. I would delete it.
- Page 49, lines 33-43: This is redundant; it restates lines 13-24 of page 48.
- Page 54, lines 21, 24, 27: Revise paragraph numbers “3,” “4,” and “5” to “2,” “3,” and “4.”
- Page 56, line 16: Correct typographical error – revise “arare” to read, “are”
- Page 56, line 24: Revise the clause to read, “sturgeon removed from the water are ~~done so~~ removed in a manner . . . “