

IPRenewal NPEmails

From: Wentzel, Michael
Sent: Wednesday, August 08, 2012 3:57 PM
To: Gray, Dara F
Subject: Draft RAIs For The Indian Point LRA Environmental Review
Attachments: Draft RAIs for the Indian Point Nuclear Generating Unit Nos. 2 and 3, LRA environmental review (TAC Nos. MD5411 and MD5412).doc

Dara,

Attached are a set of draft RAIs related to Entergy's July 24 supplement to its Environmental Report. Please let me know if you feel a clarifying phone call would be helpful prior to issuance.

Thanks,
Mike

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From: Wentzel, Michael

Created By: Michael.Wentzel@nrc.gov

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"Gray, Dara F" <DGray@entergy.com>
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INDIAN POINT NUCLEAR GENERATING UNIT NOS. 2 AND 3
LICENSE RENEWAL APPLICATION
REQUEST FOR ADDITIONAL INFORMATION

1. On July 24, 2012, Entergy Nuclear Operations, Inc. (Entergy) submitted a supplement to its application for renewal of the Indian Point Nuclear Generating Unit Nos. 2 and 3 (IP2 and IP3, respectively) operating licenses. In its supplement, Entergy reevaluated its status of compliance with the Coastal Zone Management Act (CZMA). In its reevaluation, Entergy concluded that IP2 and IP3 have already obtained the necessary consistency reviews from the State of New York and that license renewal will not result in coastal effects that are substantially different than the effects previously reviewed by New York State Department of State (NYS DOS) and other state agencies with jurisdiction under State law to make those determinations. Entergy based this conclusion on the assessment of coastal effects evaluated in the following four New York State documents:
 - New York Power Authority's (NYPA) environmental review and State Environmental Quality Review Act (SEQRA) negative declaration on the proposed sale of NYPA's IP3 to Entergy (Mar. 31, 2000)
 - New York State Department of Environmental Conservation's (NYSDEC) Coastal Assessment (Feb. 11, 2000) completed as a part of the State Pollutant Discharge Elimination System (SPDES) permit renewal application for IP2 and IP3 (Mar. 2, 2000)
 - New York Public Service Commission's (NYPSC) Final Supplemental Environmental Impact Statement (FSEIS), on the transfer of IP1 and IP2 from Consolidated Edison to Entergy (Aug. 17, 2001)
 - NYSDEC's Final Environmental Impact Statement (FEIS) concerning applications to renew NY SPDES permits for Hudson River power plants, including IP2 and IP3 (June 25, 2003)

New York's Coastal Management Program indicates that the Department of State is responsible for administering the New York Coastal Management Program as well as coordinating activities essential to its implementation because the Department of State is the designated coastal management agency of New York State (CMP Part II, § II-4 at 2 (1982)). For each of the four environmental reviews listed above, provide a copy of the application, if any, to the State of New York for a consistency determination, including any assessments of coastal effects. In addition, provide the State of New York's response, including the consistency determination. Alternately, if a State agency other than the Department of State provided a consistency determination in the four environmental reviews cited above, state the basis for the State agencies' authority in granting the consistency determination.

2. CZMA regulations in 15 CFR 930.51 describe situations whereby an action that has already obtained a consistency determination need not require a subsequent consistency determination if the proposed action would not cause an effect on any coastal use or resource substantially different than those previously reviewed by the State agency. The regulations also state that the action should not "affect any coastal use or resource in a way that is substantially different than the description or understanding of effects at the time of the original activity."

Provide the basis for Entergy's determination that license renewal will not result in coastal effects substantially different from the effects considered in each of the four environmental reviews cited above. In the discussion, consider the following:

- Are there any aspects of IP2 and IP3 operations during the period of extended operation (PEO) that were not evaluated in any of the four environmental reviews cited above?
 - Describe any changes to the coastal environment since the previous consistency determinations were made. Changes to the coastal environment may include, without limitation, newly designated significant coastal fish and wildlife habitats, regionally designated natural areas, endangered species, or any other coastal resources and concerns described in the New York Coastal Management Program.
 - Describe any changes to the New York Coastal Management Program since the previous consistency determinations were made that may result in the identification of new coastal effects, or a new understanding of coastal effects, resulting from operation of IP2 and IP3 during the PEO.
3. Provide the basis for the statement, in Section 9.3 of Entergy's Environmental report, as revised (Enclosure 1 to NL-12-107), that "Entergy now believes that the New York Coastal Management Plan also exempts both plants from further consistency review."