



**Entergy Nuclear Northeast**  
Indian Point Energy Center  
450 Broadway, GSB  
P.O. Box 249  
Buchanan, NY 10511-0249  
Tel (914) 254-2055

Fred Dacimo  
Vice President  
Operations License Renewal

*Received*  
*8/28/12*  
*3:00pm*

NL-12-121

August 20, 2012

Chief, Rules, Announcements, and Directives Branch  
Division of Administrative Services  
Office of Administration  
Mailstop: TWB-05-B01M  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

*7/6/2012*  
*77 FR 40091*

*7*

**Subject:** Comments on Draft Supplement to the Final Plant-Specific Supplement 38 to NUREG-1437, Regarding License Renewal of Indian Point Nuclear Generating Unit Nos. 2 and 3  
Docket Nos. 50-247 and 50-286  
License Nos. DPR-26 and DPR-64

- Reference:**
1. June 2012 Draft Supplement 38 to the Generic Environmental Impact Statement for License Renewal of Nuclear Power Plants Regarding Indian Point Nuclear Generating Unit Nos. 2 and 3.
  2. March 18, 2009 Comments by Entergy regarding NUREG-1437, Draft Supplement 38. (ADAMS Accession No. ML091040133).
  3. March 29, 2011 Comments by Entergy regarding Final Supplemental Environmental Impact Statement Indian Point Nuclear Generating Unit Nos. 2 & 3, Docket Nos. 50-247 and 50-286 License Nos. DPR-26 and DPR-64. (ADAMS Accession No. ML110980073).

Dear Sir or Madam:

Entergy Nuclear Indian Point 2, LLC, Entergy Nuclear Indian Point 3, LLC, and Entergy Nuclear Operations, Inc. (collectively, "Entergy"), respectfully submits the following comments ("Comments") on certain portions of the June 2012 draft supplement (the "Draft Supplement") to the December 2010 Final Supplemental Environmental Impact Statement ("FSEIS") prepared by Nuclear Regulatory Commission ("NRC") Staff, and its consultants, for the Indian Point Nuclear Generating Unit Nos. 2 and 3 ("Indian Point") License Renewal Application, assessing the potential impacts of entrainment, impingement and thermal shock, including associated mitigation (collectively, "Aquatic Issues"). These Comments relate to certain matters in the Draft Supplement that NRC Staff may want to address before its finalization.

We commend NRC Staff for its work in the Draft Supplement, particularly including NRC Staff's:

*SUNSI Review Complete*  
*Template = ADM-013*

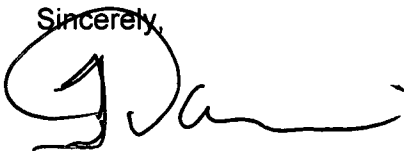
*FRIDS = ADM-013*  
*Call = m. Wentzel (mjsw2)*

(1) corrections to impingement and entrainment data presented in the FSEIS and related conclusions; (2) revised conclusions regarding the absence of potential thermal shock and conclusions of SMALL thermal impacts as a function of Indian Point's compliance with New York State thermal water quality standards; and (3) update of the status of the NRC Staff's consultation with the National Marine Fisheries Service ("NMFS") under Section 7 of the Endangered Species Act ("ESA"), including NMFS's findings that continued operation of Indian Point would not adversely affect shortnose sturgeon. See Draft Supplement: pp. iii (summary); 3-17 (corrections of impingement and entrainment data, including to reflect assessment of SMALL potential impacts to spottail shiner); 17-21 (thermal impacts of Indian Point should be SMALL) and 23-26 (completion of NMFS consultation for shortnose sturgeon and update on re-initiation of consultation for recent listing of Atlantic sturgeon). Entergy concurs with these findings and conclusions in the Draft Supplement, except as noted below.

Specifically, Entergy requests that the NRC Staff revisit and address the comments that Entergy previously submitted, respectively dated March 18, 2009 and March 29, 2011, on the December 2008 Draft Supplemental Environmental Impact Statement ("DSEIS") and FSEIS, copies of which are expressly incorporated as if fully set forth here. These prior comments, including the technical appendices to those comments evaluating nearly four decades of biological monitoring of fish species in the Hudson River, establish that any potential impingement and entrainment impacts of Indian Point's continued operations during license renewal are properly considered SMALL to all identified fish species, including on Table 4-4. See Supplement, p. 9. To that end, we respectfully request that NRC Staff's findings of potential impingement and entrainment impacts in the Draft Supplement, including in Table 4-4, regarding alewife/blueback herring (evaluated as "river herring" at life stages susceptible to entrainment at Indian Point), hogchoker, rainbow smelt, weakfish and white perch, be determined to be SMALL.

We appreciate NRC Staff's efforts in this regard, and respectfully request that it implement these Comments when it publishes Final Supplement 38. There are no commitments identified in this submittal. Should you have any questions regarding these Comments, please contact Dara Gray at (914) 254-8414.

Sincerely,



FRD/mb

cc: Mr. William Dean, Regional Administrator, NRC Region I  
Mr. Sherwin E. Turk, NRC Office of General Counsel, Special Counsel  
Mr. Dave Wrona, NRC Branch Chief, Engineering Review Branch I  
Mr. Robert F. Kuntz, NRC Sr. Project Manager, Division of License Renewal  
Mr. Douglas Pickett, Senior Project Manager, NRC NRR DORL  
Mr. Michael Wentzel, NRC Environmental Project Manager, IPEC License Renewal  
NRC Resident Inspector's Office  
Ms. Bridget Frymire, NYS Dept. of Public Service  
Mr. Francis J. Murray, Jr., President and CEO NYSERDA