



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

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Received
8/28/12
3:00 pm

Cindy Bladey
Chief, Rules, Announcements, and Directives Branch
Office of Administration
Mail Stop: TWB-05-B01M
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Rating: EC-2

Dear Ms. Bladey:

In accordance with Section 309 of the Clean Air Act and the National Environmental Policy Act (NEPA), the U.S. Environmental Protection Agency (EPA) has reviewed the Nuclear Regulatory Commission's (NRC) Draft Supplement to Supplement 38 to the Generic Environmental Impact Statement for License Renewal of Nuclear Plants (CEQ#20120215), regarding the renewal of operating licenses for an additional 20 years of operation for the Indian Point Nuclear Generating Units 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.

Subsequent to NRC's release of the final supplemental environmental impact statement (FSEIS) for relicensing IP2 and IP3 in December 2010, NRC staff identified new information warranting changes to its assessment in the FSEIS. This included information on the entrainment and impingement field data units of measure, the completion of a study characterizing the IP2 and IP 3 thermal plume, and completion of the Endangered Species Act (ESA) consultation on shortnose sturgeon (*Acipenser brevirostrum*).

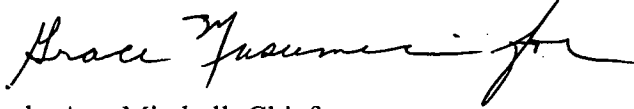
EPA notes the changes using the appropriate units for the impingement and entrainment information in the FSEIS. While it does not significantly alter the conclusions made by the NRC staff in the FSEIS, and notwithstanding previous NRC responses to our comments, EPA still remains concerned about the aquatic impacts of cooling water intake and discharge at IP2 and IP 3. New impingement/entrainment data would have provided NRC and others with the information necessary to determine the level of significance of the impacts with more certainty. EPA has no comments on the thermal study or ESA consultation.

SUSSI Review Complete
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(m5w2)

We appreciate the opportunity to comment on the document. If you have any questions, please call Lingard Knutson of my staff at (212) 637-3747.

Sincerely,

A handwritten signature in black ink, appearing to read "Judy-Ann Mitchell". The signature is fluid and cursive, with a prominent initial "J" and "M".

Judy-Ann Mitchell, Chief
Sustainability and Multimedia Programs Branch
Clean Air and Sustainability Division

cc: Paul Giardina, CASD-RIAB