

Attachment 1



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

NL-12-181
December 17, 2012

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-0001

SUBJECT: Transmittal of Consistency Certification Pursuant to
the Coastal Zone Management Act
Indian Point Nuclear Generating Unit Nos. 2 & 3
Docket Nos. 50-247 and 50-286
License Nos. DPR-26 and DPR-64

REFERENCES: 1. Entergy Letter from Fred Dacimo to NRC Document Control Desk,
"License Renewal Application" (Apr. 23, 2007) (NL-07-039)
(ML071210507)
2. Entergy Letter from Fred Dacimo to NRC Document Control Desk,
"Supplement to License Renewal Application – Compliance with
Coastal Zone Management Act" (July 24, 2012) (NL-12-107)
(ML12207A122)
3. In the Matter of the Petition of: Entergy Nuclear Operations, Inc.,
Entergy Nuclear Indian Point 2, LLC, and Entergy Nuclear Indian
Point 3, LLC, for a Declaratory Ruling; Petition for Declaratory Ruling
(Nov. 5, 2012) (filed before NYSDOS) (ML12314A045)

Dear Sir or Madam:

By letter dated April 23, 2007, Entergy Nuclear Operations, Inc. (Entergy) submitted an application for renewal of the Indian Point Nuclear Generating Unit Nos. 2 and 3 (IP2 and IP3, respectively) operating licenses (Reference 1). Subsequently, by letter dated July 24, 2012, Entergy supplemented the License Renewal Application, Appendix E, "Applicant's Environmental Report – Operating License Renewal Stage – Indian Point Energy Center," to state that IP2 and IP3 are not subject to further consistency review under the Coastal Zone Management Act (CZMA) because license renewal will not result in coastal effects that are substantially different than the effects previously reviewed by the State of New York (Reference 2). The issue of whether license renewal requires any further CZMA review is a federal question pending before, and to be resolved by, the Atomic Safety and Licensing Board.

In addition, for the reasons presented to the New York State Department of State (NYSDOS) by Entergy's petition filed on November 7, 2012, IP2 and IP3 license renewal is exempt from review under the grandfathering provisions of the New York State Coastal Management Program (NYCMP) (Reference 3). Entergy reserves its rights to seek judicial review in the event that NYSDOS should fail to recognize IP2 and IP3 as grandfathered under the NYCMP.

Entergy continues to maintain that it already satisfies the CZMA for purposes of IP2 and IP3 license renewal. Nonetheless, because of delays in resolving whether IP2 and IP3 license renewal requires any further CZMA review and whether IP2 and IP3 are grandfathered under the NYCMP, Entergy has determined that it is prudent to file a consistency certification, under a full reservation of rights, at this time. Entergy has furnished to NYSDOS a consistency certification and necessary data and information. Accompanying this letter is a copy of the Federal Consistency Assessment Form provided to NYSDOS, signed on behalf of Entergy, and an "Overview of IPEC's Consistency with the NYCMP" explaining why, on its merits, IP2 and IP3 license renewal is consistent with the NYCMP. Entergy expressly reserves all rights to contest the validity and enforceability of the NYCMP, and the authority of NYSDOS to conduct federal consistency review, under both federal and state law.

There are no new commitments identified in this submittal. If you have any questions, or require additional information, please contact Mr. Robert Walpole at 914-254-6710.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 12/17/12.

Sincerely,



FRD

ENCLOSURES: (see attached list)

cc: Mr. William Dean, Regional Administrator, NRC Region I
Mr. David Wrona, NRC Branch Chief, Division of License Renewal
Ms. Lois James, NRC Environmental Project Manager, IPEC License Renewal
Mr. John Daily, NRC Sr. Project Manager, Division of License Renewal
Mr. Sherwin E. Turk, NRC Office of General Counsel, Special Counsel
NRC Resident Inspectors Office, Indian Point
Ms. Bridget Frymire, New York State Department of Public Service
Mr. Francis J. Murray, Jr., President and CEO, NYSERDA
Mr. Cesar A. Perales, Secretary of State, NYSDOS