

ATTACHMENT 2

**Letter, NRC to Entergy, Request for Additional Information,
License Renewal Application Environmental Review (August
13, 2012) (ML12221A155)**



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

August 13, 2012

Vice President, Operations
Entergy Nuclear Operations, Inc.
Indian Point Energy Center
450 Broadway, GSB
P.O. Box 249
Buchanan, NY 10511-0249

SUBJECT: REQUEST FOR ADDITIONAL INFORMATION FOR THE REVIEW OF THE
INDIAN POINT NUCLEAR GENERATING UNIT NOS. 2 AND 3, LICENSE
RENEWAL APPLICATION ENVIRONMENTAL REVIEW (TAC NOS. MD5411
AND MD5412)

Dear Sir or Madam:

By letter dated April 23, 2007, Entergy Nuclear Operations, Inc. (Entergy), submitted an application and associated environmental report pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 51 and 10 CFR Part 54, to renew the operating licenses for Indian Point Nuclear Generating Unit Nos. 2 and 3, for review by the U.S. Nuclear Regulatory Commission (NRC). The NRC staff documented its findings related to the environment review of Entergy's license renewal application in Supplement 38 to NUREG-1437, "Generic Environmental Impact Statement for License Renewal of Nuclear Plants," which was issued in December 2010.

By letter dated July 24, 2012, Entergy submitted a supplement to its environmental report providing an updated status relative to its status of compliance with the Coastal Zone Management Act. The NRC staff is reviewing the information contained in the supplement, and has identified in the attached enclosure, areas where additional information is needed to complete the review. Further requests for additional information may be issued in the future.

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Items in the enclosure were discussed with Mr. Robert Walpole, and a mutually agreeable date for the response is within 30 days from the date of this letter. If you have any questions, please contact me at 301-415-6459, or via e-mail michael.wentzel@nrc.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Wentzel', with a stylized flourish at the end.

Michael Wentzel, Project Manager
Projects Branch 2
Division of License Renewal
Office of Nuclear Reactor Regulation

Docket Nos. 50-247 and 50-286

Enclosure:
As stated

cc w/encl: Listserv

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 the status of its 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 (NYSDOS) and other state agencies with jurisdiction under State law to make those determinations. Entergy based this conclusion, in part, on the assessment of coastal effects evaluated in the following four New York State documents:
 - New York Power Authority's (NYPA) environmental review (including the State Environmental Quality Review Act (SEQRA) negative declaration, federal consistency certification, and state coastal assessment, if any) 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 written response, if any, reaching the consistency determination. In addition, if a State agency other than the Department of State provided a consistency determination on the four environmental reviews cited above, state the basis for the State agencies' authority to make the consistency determination.

2. CZMA regulations in 15 CFR 930.51 describe situations whereby the renewal of a federal license or permit for an activity that has previously been reviewed for consistency with the state's coastal management program does not require a subsequent consistency determination unless the proposed action will cause an effect on any coastal use or resource substantially different than those previously reviewed by the State agency.

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."

Items in the enclosure were discussed with Mr. Robert Walpole, and a mutually agreeable date for the response is within 30 days from the date of this letter. If you have any questions, please contact me at 301-415-6459, or via e-mail michael.wentzel@nrc.gov.

Sincerely,

/RA/

Michael Wentzel, Project Manager
Projects Branch 2
Division of License Renewal
Office of Nuclear Reactor Regulation

Docket Nos. 50-247 and 50-286

Enclosure:
As stated

cc w/encl: Listserv

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