

ATTACHMENT 16

Entergy, 401 WQC Application (April 2, 2009)



New York
State

JOINT APPLICATION FORM

For Permits/Determinations to undertake activities affecting streams, waterways
waterbodies, wetlands, coastal areas and sources of water supply.



US Army Corps of
Engineers (USACE)

Separate Permits/Determinations must be obtained from each involved agency
prior to proceeding with work. Please read all instructions.

1. Check All That Apply: NYS Department of Environmental Conservation <input type="checkbox"/> Stream Disturbance <input type="checkbox"/> Excavation and Fill in Navigable Waters <input type="checkbox"/> Docks, Moorings or Platforms <input type="checkbox"/> Dams and Impoundment Structures <input checked="" type="checkbox"/> 401 Water Quality Certification <input type="checkbox"/> Freshwater Wetlands <input type="checkbox"/> Tidal Wetlands <input type="checkbox"/> Coastal Erosion Management <input type="checkbox"/> Wild, Scenic and Recreational Rivers <input type="checkbox"/> Water Supply <input type="checkbox"/> Long Island Well <input type="checkbox"/> Aquatic Vegetation Control <input type="checkbox"/> Aquatic Insect Control <input type="checkbox"/> Fish Control US Army Corps of Engineers <input type="checkbox"/> Section 404 Clean Water Act <input type="checkbox"/> Section 10 Rivers and Harbors Act <input type="checkbox"/> Nationwide Permit(s) - Identify Number(s): _____ Preconstruction Notification - <input type="checkbox"/> Y / <input type="checkbox"/> N NYS Office of General Services (State Owned Lands Under Water) <input type="checkbox"/> Utility Easement (pipelines, conduits, cables, etc.) <input type="checkbox"/> Docks, Moorings or Platforms NYS Department of State <input type="checkbox"/> Coastal Consistency Concurrence	2. Name of Applicant (use full name) Entergy Nuclear Operations, Inc.		Applicant must be (check all that apply): <input type="checkbox"/> Owner <input checked="" type="checkbox"/> Operator <input type="checkbox"/> Lessee		
	Street Address 450 Broadway, PO Box 308		Taxpayer ID (If applicant is NOT an individual): 72-1466282		
	Post Office City	State	Zip Code	Telephone (daytime)	Email
	Buchanan	NY	10511	(914) 736-8415	DGray@entergy.com
	3. Name of Facility or Property Owner , if different than Applicant Entergy Nuclear Indian Point 2, LLC and Entergy Nuclear Indian Point 3, LLC				
	Street Address 450 Broadway, PO Box 308				
	Post Office City	State	Zip Code	Telephone (daytime)	Email
	Buchanan	NY	10511	(914) 736-8414	DGray@entergy.com
	4. Contact/Agent Name Dara Gray		Company Name Entergy Nuclear Operations, Inc.		
	Street Address 450 Broadway, PO Box 308				
Post Office City	State	Zip Code	Telephone (daytime)	Email	
Buchanan	NY	10511	(914) 736-8414	DGray@entergy.com	
5. Project / Facility Name Indian Point Units 2 and 3		Property Tax Map Section / Block / Lot Number See Attachment A			
Project Location - Provide directions and distances to roads, bridges and bodies of waters:					
Street Address, if applicable 450 Broadway					
Post Office City	State	Zip Code	Telephone, if applicable	Email	
Buchanan	NY	10511			
Town / Village / City Buchanan		County Westchester			
Name of USGS Quadrangle Map USGS Peekskill (NY)		Stream/Water Body Name Hudson River			
Location Coordinates: Enter NYTMs in kilometers, OR Latitude/Longitude in degrees, minutes, seconds					
NYTM-E		NYTM-N			
		Latitude	41 16 7	Longitude 73 57 19	
6. If applicant is not the owner, both must sign the application. I hereby affirm that information provided on this form and all attachments submitted herewith is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law. Further, the applicant accepts full responsibility for all damage, direct or indirect, of whatever nature, and by whomever suffered, arising out of the project described herein and agrees to indemnify and save harmless the State from suits, actions, damages and costs of every name and description resulting from said project. In addition, Federal Law, 18 U.S.C., Section 1001 provides for a fine of not more than \$10,000 or imprisonment for not more than 5 years, or both where an applicant knowingly and willingly falsifies, conceals, or covers up a material fact; or knowingly makes or uses a false, fictitious or fraudulent statement.					
Signature of Applicant		Printed Name		Title	
Signature of Owner		Printed Name		Title	
Signature of Agent		Printed Name		Title	
		Date			

For Agency Use Only DEC Application Number: USACE Number:

JOINT APPLICATION FORM - PAGE 2 OF 2

Submit this completed page as part of your Application.

7. Project Description and Purpose: Provide a complete narrative description of the proposed work and its purpose. Attach additional page(s) if necessary. Include: description of current site conditions and how the site will be modified by the proposed project; structures and fill materials to be installed; type and quantity of materials to be used (i.e., cubic yds or square ft of fill material below ordinary high water, or of structures below mean high water); area of excavation or dredging, volumes of material to be removed and location of dredged material disposal or use; work methods and type of equipment to be used; pollution control methods and mitigation activities proposed to compensate for resource impacts; and where applicable, the phasing of activities.

Please see Attachment A for Project Description and Purpose.

Proposed Use: ☐ Private ☐ Public ☒ Commercial Will Project Occupy Federal, State or Municipal Land? ☐ Yes ☒ No
If yes, please specify.

Has Work Begun on Project? ☐ Yes ☒ No If Yes, explain.

Proposed Start Date: 9/28/13

Estimated Completion Date: 12/12/35

8. List Previous Permit / Application Numbers (if any) and Dates:
See Attachment A.

9. Will this project require additional Federal, State, or Local Permits ☒ Yes ☐ No If Yes, please list:
including zoning changes?
NRC Licenses DPR-26 and DPR-64

10. Based on the permits and determinations requested and project location, check all the boxes corresponding to each of the Agencies and Offices to which you are filing an application. For Agency addresses and areas covered, refer to the Agency Contact Information on the Application Instructions - Page 2.

☒ **NYS Department of Environmental Conservation**

☐ REGION 1 Stony Brook
☐ REGION 2 Long Island City
☒ REGION 3 New Paltz
☐ REGION 4 Schenectady
☐ REGION 4 Stamford Sub-Office

☐ REGION 5 Ray Brook
☐ REGION 5 Warrensburg Sub-Office
☐ REGION 6 Watertown
☐ REGION 6 Utica Sub-Office

☐ REGION 7 Syracuse
☐ REGION 7 Cortland Sub-Office
☐ REGION 8 Avon
☐ REGION 9 Buffalo
☐ REGION 9 Allegany Sub-Office

☐ **US Army Corps of Engineers**

☐ NY District, NYC ☐ NY District, Watervliet ☐ Buffalo District

☐ **NYS Department of State**

☐ **NYS Office of General Services**

For Agency Use Only

DETERMINATION OF NO PERMIT REQUIRED

Agency Project Number _____

(Agency Name) _____

has determined that No Permit is required from this Agency for the project described in this application.

Agency Representative: Name (printed) _____

Title _____

Signature _____

Date _____

New York State
Department of Environmental Conservation



Subject to DEC staff's compliance with all applicable laws and regulations governing access to and inspection of the facility,

PERMISSION TO INSPECT PROPERTY

By signing this permission form for submission with an application for a permit(s) to the Department of Environmental Conservation ("DEC"), the signer consents to inspection by DEC staff of the project site or facility for which a permit is sought and, to the extent necessary, areas adjacent to the project site or facility. This consent allows DEC staff to enter upon and pass through such property in order to inspect the project site or facility, ~~without permission~~, between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday. If DEC staff should wish to conduct an inspection at any other times, DEC staff will so notify the applicant and will obtain a separate consent for such an inspection.

Inspections may take place as part of the application review prior to a decision to grant or deny the permit(s) sought. By signing this consent form, the signer agrees that this consent remains in effect as long as the application is pending, and is effective regardless of whether the ~~signer, applicant or agent is present at the time of the inspection. In the event that the project site is~~
~~facilitating inspection with any other person, the consent shall remain in effect.~~
~~and the inspection shall be conducted by DEC staff during the time the consent is in effect.~~

Subject to DEC staff's compliance with all applicable laws and regulations,
The signer further agrees that during an inspection, DEC staff may, among other things, take measurements, may analyze physical characteristics of the site including, but not limited to, soils and vegetation (taking samples for analysis), and may make drawings and take photographs.

Failure to grant consent for an inspection is grounds for, and may result in, denial of the permit(s) sought by the application.

Permission is granted for inspection of property located at the following address(es):

*By signing this form, I affirm under penalty of perjury that I am authorized to give consent to entry by DEC staff as described above. I understand that false statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.**

<u>JOSEPH E. Pollock Vice</u>	<u><i>Joseph E. Pollock</i></u>	<u>4-2-09</u>
Print Name and Title <i>President</i>	Signature	Date

*The signer of this form must be an individual or authorized representative of a legal entity that:

- owns fee title and is in possession of the property identified above;
- maintains possessory interest in the property through a lease, rental agreement or other legally binding agreement; or
- is provided permission to act on behalf of an individual or legal entity possessing fee title or other possessory interest in the property for the purpose of consenting to inspection of such property.

Response to 5 (Property Tax Map Section/Block/Lot Number)

Parts of 43.06-01-01, 43.10-01-01, 43.10-02-01, 43.10-02-02, and 43.14-02-01

Response to 9. Project Description and Purpose:

In accordance with 10 CFR Part 50, Entergy Nuclear Operations, Inc. (Entergy) has applied to the Nuclear Regulatory Commission (NRC) for renewal of the Indian Point Unit 2 (IP2) and Indian Point Unit 3 (IP3) Operating Licenses for an additional twenty years of operation. Nuclear power plants are initially licensed by the NRC to operate up to 40 years, but these licenses may be renewed [10 CFR 50.51] for periods of up to 20 years. The current IP2 and IP3 Operating License expiration dates are September 28, 2013 and December 12, 2015, respectively. NYSDEC issued a Section 401 Water Quality Certification for the initial Operating Licenses for IP2 on December 7, 1970 and IP3 on May 2, 1975, respectively (see Attachment C to this application that was included in the IP2 and IP3 Environmental Report to the NRC).

The proposed action is to extend the IP2 and IP3 Operating Licenses until 2033 and 2035, respectively. IP2 and IP3 are located on the east bank of the Hudson River in the Village of Buchanan, NY. The facility is at latitude 41° 16' 7", longitude 73° 57' 19". Collectively, Entergy's Indian Point facility is referred to as the Indian Point Energy Center (IPEC). No changes in operations that would significantly alter its discharges or discharge characteristics during the 20 year license renewal term are anticipated.

The site currently operates under SPDES permit number NY0004472 (the "Current Permit"). The Current Permit contains an expiration date of October 1, 1992. However, in accordance with the New York State Administrative Procedures Act, a timely and complete SPDES permit renewal application was filed 180 days prior to the Current Permit's expiration date and, therefore, the Current Permit continues in effect under New York administrative law until a new, final permit is issued by NYSDEC. The Current Permit was provided as Attachment C in the IP2 and IP3 Environmental Report to the NRC and is provided in Attachment E to this application. This permit provides a description of relevant IPEC discharges and discharge limitations.

In 1992, to resolve litigation involving, among others, the previous owners of IP2 and IP3 and NYSDEC, a Stipulation of Settlement and Judicial Consent Order was entered in New York Supreme Court and subsequently amended on four separate occasions, ultimately expiring on February 1, 1998 (the "Fourth Amended Consent Order"). The prior owners of IP2 and IP3 voluntarily agreed to continue operations in accordance with the Fourth Amended Consent Order (in conjunction with the current SPDES Permit) until a new SPDES Permit was finalized for IP2 and IP3. A copy of the Fourth Amended Consent Order is provided in Attachment E.

IP2 and IP3 operate and will continue to operate in compliance with its NYSDEC SPDES discharge permit(s), as they may be renewed or modified from time to time during the NRC license renewal period.