

**FEDERAL EXPRESS AND E-MAIL**

July 1, 2014

Linda M. Baldwin  
General Counsel  
New York State Department of State  
Counsel's Office  
One Commerce Plaza  
99 Washington Street  
Albany, NY 12231-0001**Re: New York State Department of State File #F-2012-1028  
Consistency Certification for Entergy Nuclear Indian Point 2 and  
Entergy Nuclear Indian Point 3 License Renewal Application**

Dear Ms. Baldwin:

This letter provides supplemental information requested by the New York State Department of State (the "Department") in connection with the consistency certification (the "Consistency Certification") submitted on December 17, 2012, by Entergy Nuclear Indian Point 2, LLC, Entergy Nuclear Indian Point 3, LLC and Entergy Nuclear Operations, Inc. (collectively, "Entergy") for Entergy's Indian Point 2 and 3 ("Indian Point") License Renewal Application ("License Renewal") pending before the Nuclear Regulatory Commission ("NRC"). During its consultation session with Entergy on December 3, 2013, the Department requested Entergy to provide information regarding long-term spent fuel management at Indian Point. Entergy is providing with this letter a "white paper" which responds to the Department's questions regarding long-term spent fuel management.<sup>1</sup>

Entergy continues to assert the objections and reservations of rights under state and federal law as set forth in its correspondence dated March 31, 2014, and in its other filings with the Department. In particular, without limiting the generality of the foregoing, we note that the issue of long-term spent fuel management at Indian Point is within the exclusive jurisdiction of NRC and thus should not be considered by the Department in connection with the Consistency Certification. Indeed, our understanding is that NRC expects to address this issue in a new "Waste Confidence" rulemaking

---

<sup>1</sup> See enclosed "Response to New York State Department of State Request for Supplemental Information Regarding Long-term Spent Fuel Management at Indian Point," dated July 1, 2014.

A128  
NRR

# GOODWIN | PROCTER

Linda M. Baldwin  
General Counsel  
New York State Department of State  
July 1, 2014  
Page 2

currently anticipated to be issued on or about October 3, 2014. For information purposes, and without waiving the objections and reservations just mentioned, we will keep the Department informed as NRC develops new regulations with respect to long-term spent fuel management.

Although this is the last of the filings that Entergy previously undertook to make with the Department in response to the consultation session of December 3, 2013, new and updated information continues to be developed on an ongoing basis with respect to many other issues discussed at the consultation session and in Entergy's Consistency Certification. Entergy will be making filings with respect to several of those issues over the coming months.

Please feel free to contact me if you have any questions about the supplemental information enclosed herewith.

Sincerely,



Martin R. Healy

MRH/amd  
Enclosure  
cc:

U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk (w/enc.)  
Douglas V. Pickett, Senior Project Manager, NRC NRR DORL (w/enc.)  
William M. Dean, Regional Administrator, NRC Region 1 (w/enc.)  
NRC Resident Inspectors Office (w/enc.)  
William Sharp, Principal Attorney (w/enc.)  
Kari Gathen, Associate Attorney (w/enc.)  
Jeffrey Herter, Assistant Bureau Chief, Division of Development (w/enc.)  
Gregory Capobianco, Director, Division of Development (w/enc.)  
Jeffrey Zappieri, Supervisor, Consistency Review Unit (w/enc.)  
Fred Dacimo, Vice President License Renewal, Indian Point Energy Center (w/enc.)  
William B. Glew, Jr., Associate General Counsel, Entergy Services, Inc. (w/enc.)  
Kelli Dowell, Assistant General Counsel, Environmental, Entergy Services, Inc. (w/enc.)  
Dara Gray, Chemistry/Environmental, Indian Point Energy Center (w/enc.)

Dated: July 1, 2014

**Response to New York State Department of State Request for Supplemental Information Regarding Long-term Spent Fuel Management at Indian Point**

On December 17, 2012, Entergy Nuclear Indian Point 2, LLC, Entergy Nuclear Indian Point 3, LLC and Entergy Nuclear Operations, Inc. (collectively, "Entergy") submitted a Consistency Certification for Entergy's Indian Point 2 and 3 ("IP2" and "IP3") License Renewal Application to the New York State Department of State (the "Department"). On December 3, 2013, Entergy and the Department engaged in a consultation session at which the Department requested supplemental information regarding long-term spent fuel management at Indian Point. In Entergy's letter to the Department dated December 20, 2013, Entergy undertook to provide that supplemental information on or before July 1, 2014. Entergy does so by this Response.

**I. The Department's Questions Regarding Long-Term Spent Fuel Management:**

The Department requested Entergy to answer two questions regarding long-term spent fuel management at Indian Point:

- a. By percentage, how much additional fuel storage capacity exists at Indian Point's Independent Spent Fuel Storage Installation ("ISFSI")?
- b. Is the ISFSI located in areas exposed to extreme flooding?

**II. Entergy's Response:**

- a. The ISFSI at Indian Point is operated under the site's NRC general license. The ISFSI is currently designed to hold 75 dry storage casks. As of May, 2014, there are twenty-six (26) casks contained within the ISFSI. Five (5) casks contain spent fuel from IP1; fifteen (15) casks contain spent fuel from IP2; six (6) casks contain spent fuel from IP3. Each dry storage cask holds thirty-two (32) fuel assemblies. Therefore, eight hundred and thirty two (832) spent fuel assemblies are currently stored within the ISFSI. As there is room for forty-nine (49) additional casks, or one thousand five hundred and sixty-eight (1568) fuel assemblies, the ISFSI has 65% of its remaining storage capacity available assuming the continued use of 32-assembly casks. At current spent fuel discharge rates, this is sufficient to store expected spent fuel discharges from IP2

and IP3 well into the 20-year renewed operating licenses. Depending on when the Department of Energy begins to accept spent fuel from Indian Point pursuant to Entergy's contract with the Department of Energy for spent fuel disposal, the existing ISFSI may need to be supplemented with additional capacity, including capacity to accommodate the spent fuel remaining in the IP2 and IP3 spent fuel pools at shutdown. Any such steps would be conducted pursuant to applicable NRC licensing requirements.

- b. As indicated in Entergy's response to the Department's questions about the potential effects of extreme flooding events on Indian Point, submitted on March 14, 2014, the ISFSI at Indian Point is located approximately at an elevation of 90 feet above sea level (75 feet above site grade level) and includes a separate drainage system. The Flooding-Hazard Report submitted to the Department on March 14, 2014, demonstrates that the ISFSI would not be subject to flooding even during the 500,000 year storm event.

**REFERENCES:**

IPEC Materials Control and Accounting (MC&A) program required by 10 CFR part 74