

**ATTACHMENT TO NL-17-051**

**State of New York Department of State Coastal Zone Management Act Consistency  
Determination, "Concurrence with Consistency Certification" (March 2, 2017)**

**ENTERGY NUCLEAR OPERATIONS, INC.  
INDIAN POINT NUCLEAR GENERATING UNIT NOS. 2 AND 3  
DOCKET NOS. 50-003, 50-247 AND 50-286**

STATE OF NEW YORK  
**DEPARTMENT OF STATE**

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ANDREW M. CUOMO  
GOVERNOR

ROSSANA ROSADO  
SECRETARY OF STATE

March 2, 2017

Mr. Fred Dacimo, Vice President  
Operations License Renewal  
Entergy Nuclear Northeast, Indian Point Energy Center  
450 Broadway, GSB - P.O. Box 249  
Buchanan, NY 10511-0249

Re: F-2017-0010  
Coastal Zone Management Act Consistency  
Determination  
Indian Point Nuclear Generating Unit Nos.  
2 & 3 NRC License Nos. DPR-26 and DPR-64  
NRC Docket Nos. 50-247 and 50-286  
*Concurrence with Consistency Certification*

Dear Mr. Dacimo:

The New York State Department of State (NYSDOS) has completed its evaluation of the Federal Consistency Assessment Form, certification, project information, public comments and publicly available information in connection with the application submitted by Entergy Nuclear Operations, Inc., Entergy Nuclear Indian Point 2, LLC, and Entergy Nuclear Indian Point 3, LLC (collectively Entergy) to the Nuclear Regulatory Commission (NRC) to renew Facility Operating Licenses DPR-26 and DPR-64 for Indian Point Nuclear Generating Unit 2 and Unit 3, respectively, for an additional 20 years. Entergy's certification states that the above referenced Project complies with, and will be conducted in a manner consistent with, the enforceable policies of the New York State Coastal Management Program (NYS CMP). Pursuant to the Coastal Zone Management Act (CZMA) and its implementing regulation at 15 C.F.R. §930.63, NYSDOS concurs with Entergy's consistency certification.

Entergy initially submitted its consistency certification and request for concurrence in a letter dated December 17, 2012. On June 20, 2013, following receipt of necessary data and information regarding aquatic impacts, NYSDOS commenced consistency review of the application for renewal of the commercial operating licenses for the nuclear facilities. Following a number of stay agreements, Entergy withdrew its consistency certification in a letter dated November 5, 2014 in order to await the NRC's issuance of a final Supplemental Environmental Impact Statement (SEIS) for this activity. NYSDOS responded that it would commence review of the new consistency certification when it receives all necessary data and information.

In a letter dated January 31, 2017, NYSDOS acknowledged receipt of your re-submitted consistency certification and supporting information regarding this activity and the commencement of the six-month coastal consistency review period under the NYCMP and 15 C.F.R. §§ 930.58 (a) and 930.60 (a)(2).



**Department  
of State**

The consistency certification and supporting information indicates that, while seeking a 20 year license renewal for the facilities, Entergy has committed to conducting the activity in a manner consistent with the NYSCMP, which conduct differs from the earlier submission. In particular,

- Entergy has agreed that IP2 shall permanently cease operations no later than April 30, 2020, and IP3 shall permanently cease operations no later than April 30, 2021; provided, however, the operation of either IP2, IP3, or both units, may be extended upon the mutual agreement of NYS and Entergy, which shall take account of, and be made in accordance with, applicable law and regulatory requirements.
- Entergy will continue to operate Indian Point's existing multi-speed pumps and optimized Ristroph traveling screens and fish-handling and -return systems, as well as the thermal and flow terms and conditions agreed to between Entergy and the New York State Department of Environmental Conservation ("NYSDEC") staff, which reduce levels of entrainment and impingement of aquatic species.
- Entergy has committed to take each unit's planned refueling and maintenance outage (which typically last approximately 30 unit days) between February 23 and August 23 until Units 2 and 3, respectively, are retired.
- Entergy has committed to conduct a Hudson River Biological Monitoring Program, which currently consists of the Long River Survey, Beach Seine Survey and Fall Shoals Survey performed in the tidal Hudson River (River miles 0-152), as it may be appropriately reduced in scope and magnitude in cooperation with NYSDEC staff, until Units 2 and 3 are retired.

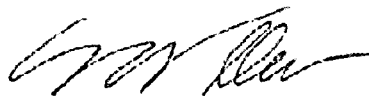
These conditions, which are contained in the joint State Pollutant Discharge Elimination System (SPDES) permit and the Water Quality Certification (CWA §401) issued by NYSDEC, have been submitted to the NRC as commitments in connection with this certification. This consistency certification relies on Entergy's material compliance with such conditions.

Pursuant to 15 CFR § 930.62, and based upon the project information submitted, the Department of State concurs with your consistency certification for this activity.

This concurrence is without prejudice to and does not obviate the need to obtain all other applicable licenses, permits, or other forms of authorization or approval that may be required pursuant to existing State statutes.

The U.S. Department of Commerce and the NRC are being notified of this action by copy of this letter.

Sincerely,



Sandra Allen  
Deputy Secretary of State  
Office of Planning and Development

Cc's:

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