

APPENDIX B

TO

FACILITY OPERATING LICENSE

FOR

ENTERGY NUCLEAR INDIAN POINT 2, LLC
AND ENTERGY NUCLEAR OPERATIONS, INC.

INDIAN POINT NUCLEAR GENERATING
UNITS NUMBER 1 AND 2

ENVIRONMENTAL TECHNICAL SPECIFICATION
REQUIREMENTS

NON-RADIOLOGICAL ENVIRONMENTAL PROTECTION PLAN

FACILITY LICENSES NO. DPR-5 AND DPR-26

DOCKET NUMBERS 50-3 AND 50-247

INDIAN POINT NUCLEAR GENERATING PLANT

UNITS 1 AND 2

ENVIRONMENTAL TECHNICAL SPECIFICATION REQUIREMENTS NON-RADIOLOGICAL ENVIRONMENTAL PROTECTION PLAN

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1.0 Objectives of the Environmental Protection Plan

The Environmental Protection Plan (EPP) is to provide for protection of environmental values during construction and operation of the nuclear facility. The principal objectives of the EPP are as follows:

- (1) Verify that the plant is operated in an environmentally acceptable manner, as established by the FES and other NRC environmental impact assessments.
- (2) Coordinate NRC requirements and maintain consistency with other Federal, State and local requirements for environmental protection.
- (3) Keep NRC informed of the environmental effects of facility construction and operation and of actions taken to control those effects.

Environmental concerns identified in the FES which relate to water quality matters are regulated by way of the licensee's SPDES permit.

2.0 Environmental Protection Issues

In the FES-OL for Unit 2 dated September 1972 and the FES-OL for Unit 3 dated February 1975, the staff considered the environmental impacts associated with operation of the Indian Point Nuclear Generating Plant. Certain environmental issues were identified which required study or license conditions to resolve environmental concerns and to assure adequate protection of the environment. The Appendix B Environmental Technical Specifications issued with the licenses included monitoring programs and other requirements to protect water quality and aquatic biota during plant operation with once-through cooling. Appendix B ETS amendments, No. 30 Unit 1 and No. 70 Unit 2, issued on July 11, 1979, included monitoring and other requirements to address the following non-radiological aquatic protection issues:

- (1) Controlled release of thermal discharges (ETS Sections 2.1, 3.1, 2.2.2, 3.2.2, and 4.1.1.a).
- (2) Controlled release of non-radioactive chemical discharges (ETS Sections 2.3 and 3.3).
- (3) Controlled intake flow velocity to limit impingement of organisms on intake structures (ETS Sections 2.2.1 and 3.2.1).
- (4) Monitoring of aquatic biota in the Hudson River to evaluate effects of once-through operation (ETS Section 4.1.2). These issues were fully addressed in the SPDES permit with effective date of May 14, 1981 and were deleted from the ETS with Amendment No. 30 for Unit 1 and Amendment No. 70 for Unit 2.

Aquatic issues are now addressed by the effluent limitations, monitoring requirements and other conditions in or annexed to the effective SPDES permit issued by the Department of Environmental Conservation of the State of New York (DEC). The NRC will therefore rely on the DEC for regulation of matters involving water quality and aquatic biota and in the case of federally listed sturgeon, decisions made by the National Marine Fisheries Service (NMFS) under authority of the Endangered Species Act, for requirements pertaining to aquatic monitoring.

3.0 Consistency Requirements

3.1 Plant Design and Operation

The licensee may make changes in station design or operation or perform tests or experiments affecting the environment provided such changes, tests or experiments do not involve an unreviewed environmental question, and do not involve a change in the Environmental Protection Plan.¹ Changes in plant design or operation or performance of tests or experiments which do not affect the environment are not subject to the requirements of the EPP. Activities governed by Section 3.3 are not subject to the requirements of this section.

Before engaging in additional construction or operational activities which may affect the environment, the licensee shall prepare and record an environmental evaluation of such activity. When the evaluation indicates that such activity involves an unreviewed environmental question, the licensee shall provide a written evaluation of such activities and obtain prior approval from the Director, Office of Nuclear Reactor Regulation. When such activity involves a change in the Environmental Protection Plan, such activity and change to the Environmental Protection Plan may be implemented only in accordance with an appropriate license amendment as set forth in Section 5.3.

A proposed change, test or experiment shall be deemed to involve an unreviewed environmental question if it concerns (1) a matter which may result in a significant increase in any adverse environmental impact previously evaluated in the final environmental statement

¹ This provision does not relieve the licensee of the requirements of 10 CFR 50.59.

(FES) or final supplemental environmental impact statement (FSEIS), as modified by the staff's testimony to the Atomic Safety and Licensing Board, supplements to the FES, or FSEIS environmental impact appraisals, or in any decisions of the Atomic Safety and Licensing Board, or the Commission; or (2) a significant change in effluents or power level; or (3) a matter not previously reviewed and evaluated in the documents specified in (1) of this subsection which may have a significant adverse environmental impact.

The licensee shall maintain records of changes in facility design or operation and of tests and experiments carried out pursuant to this subsection. These records shall include a written evaluation which provides a basis for the determination that the change, test, or experiment does not involve an unreviewed environmental question nor constitute a decrease in the effectiveness of the EPP to meet the objectives specified in Section 1.0. The licensee shall include as part of its Annual Environmental Protection Plan Report (per subsection 5.4.1) brief descriptions, analyses, interpretations, and evaluations of such changes, tests and experiments.

3.2 Reporting Related to the SPDES Permit

Violations of the SPDES permit shall be reported to the NRC by submittal of copies of the reports required by the SPDES permit.

Changes and additions to the SPDES permit shall be reported to the NRC within 30 days following the date the change is approved. If a permit or certification, in part or in its entirety, is appealed and stayed, the NRC shall be notified within 30 days following the date the stay is granted.

The NRC shall be notified of the changes to the effective SPDES permit proposed by the licensee by providing NRC with a copy of the proposed change at the same time it is submitted to the permitting agency. The notification of a licensee-initiated change shall include a copy of the requested revision submitted to the permitting agency. The licensee shall provide the NRC a copy of the application for renewal of the SPDES permit at the same time the application is submitted to the permitting agency.

3.3 Changes Required for Compliance with Other Environmental Regulations

Changes in plant design or operation and performance of tests or experiments which are required to achieve compliance with other Federal, State, or local environmental regulations are not subject to the requirements of Section 3.1.

4.0 Environmental Conditions

4.1 Unusual or Important Environmental Events

Any occurrence of an unusual or important event that indicates or could result in significant environmental impact causally related to plant operation shall be recorded and promptly reported to the NRC within 24 hours by telephone, telegraph or facsimile transmissions followed by a written report per subsection 5.4.2. The following are examples: excessive bird impaction events, onsite plant or animal disease outbreaks, unusual mortality or occurrence of any species protected by the Endangered Species Act of 1973, unusual fish kills, unusual increase in nuisance organisms or conditions, and unanticipated or emergency discharge of waste water or chemical substances.

No routine monitoring programs are required to implement this condition.

4.2 Environmental Monitoring

In accordance with Section 7(a) of the Endangered Species Act, the National Marine Fisheries Service (NMFS) issued a Biological Opinion related to the continued operation of IP2 and IP3 that pertains to shortnose sturgeon (*Acipenser brevirostrum*) and Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*). The Biological Opinion includes an Incidental Take Statement with Reasonable and Prudent Measures that the NMFS has determined to be necessary or appropriate to minimize the amount or extent of incidental take and associated Terms and Conditions, which are non-discretionary and implement the Reasonable and Prudent Measures. The currently applicable Biological Opinion concludes that continued operation of IP2 and IP3 is not likely to jeopardize the continued existence of the listed species or to adversely affect the designated critical habitat of those species.

Entergy shall adhere to the requirements within the Incidental Take Statement of the currently applicable Biological Opinion. Changes to the Biological Opinion, including the Incidental Take Statement, Reasonable and Prudent Measures, and Terms and Conditions contained therein, must be preceded by consultation between the NRC, as the authorizing agency, and the NMFS.

5.0 Administrative Procedures

5.1 Review and Audit

The licensee shall provide for review and audit of compliance with the Environmental Protection Plan. The audits shall be conducted independently of the individual or groups responsible for performing the specific activity. A description of the organization structure utilized to achieve the independent review and audit function and results of the audit activities shall be maintained and made available for inspection.

5.2 Records Retention

Records and logs relative to the environmental aspects of plant operation shall be made and retained in a manner convenient for review and inspection. These records and logs shall be made available to the NRC on request.

Records of modifications to plant structures, systems and components determined to potentially affect the continued protection of the environment shall be retained for the life of the plant. All other records, data and logs relating to this EPP shall be retained for five years or, where applicable, in accordance with the requirements of other agencies.

5.3 Changes in Environmental Protection Plan

Requests for changes in the Environmental Protection Plan shall include an assessment of the environmental impacts of the proposed change and a supporting justification. Implementation of such changes in the EPP shall not commence prior to NRC approval of the proposed changes

in the form of a license amendment incorporating the appropriate revision to the Environmental Protection Plan.

5.4 Plant Reporting Requirements

5.4.1 Routine Reports

An Annual Environmental Protection Plan Report describing implementation of this EPP for the previous year shall be submitted to the NRC prior to May 1 of each year. The initial report shall be submitted prior to May 1 of the year following issuance of the operating license. The period of the first report shall begin with the date of issuance of the operating license.

The Annual Environmental Protection Plan Report shall include:

- (a) A list of EPP noncompliances and the corrective actions taken to remedy them.
- (b) A list of all changes in station design or operation, tests, and experiments made in accordance with subsection 3.1 which involved a potentially significant unreviewed environmental issue.
- (c) A list of nonroutine reports submitted in accordance with subsection 5.4.2.
- (d) A list of all reports submitted in accordance with the SPDES permit.

In the event that some results are not available by the report due date, the report shall be submitted noting and explaining the missing results. The missing data shall be submitted as soon possible in a supplementary report.

5.4.2 Nonroutine Reports

A written report shall be submitted to the NRC within 30 days of occurrence of a nonroutine event. The report shall (1) describe, analyze, and evaluate the event, including extent and magnitude of the impact and plant operating characteristics, (2) describe the probable cause of the event, (3) indicate the action taken to correct the reported event, (4) indicate the corrective action taken to preclude repetition of the event and to prevent similar occurrences involving similar components or systems, and (5) indicate the agencies notified and their preliminary responses.

Events reportable under this subsection which also require reports to other Federal, State or local agencies shall be reported in accordance with those reporting requirements in lieu of the requirements of this subsection. The NRC shall be provided a copy of such report at the same time it is submitted to the other agency.