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VP License Renewal

NL-12-107

July 24, 2012

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-0001

SUBJECT: Supplement to License Renewal Application – Compliance with
Coastal Zone Management Act
Indian Point Nuclear Generating Unit Nos. 2 & 3
Docket Nos. 50-247 and 50-286
License Nos. DPR-26 and DPR-64

Dear Sir or Madam:

By letter dated April 23, 2007, Entergy Nuclear Operations, Inc. (Entergy) submitted an application for renewal of the Indian Point Nuclear Generating Unit Nos. 2 and 3 (IP2 and IP3, respectively) operating licenses (Reference 1). The License Renewal Application (LRA), Appendix E, "Applicant's Environmental Report – Operating License Renewal Stage – Indian Point Energy Center," indicated that Entergy would submit a Coastal Management Program Consistency Certification to the New York State Department of State (NYSDOS). In addition, the NRC Staff, in the IP2 and IP3 Final Supplemental Environmental Impact Statement (FSEIS), issued in December 2010 (Reference 2), noted that "[b]ased on IP2 and IP3's location within the State's Coastal Zone, license renewal of IP2 and IP3 will require a State coastal consistency certification." FSEIS at 2-142.

In accordance with 10 C.F.R. § 51.45(d), this letter updates Entergy's status of compliance with the Coastal Zone Management Act and, to that extent, supplements the LRA. Entergy reassessed the Act's requirements and has determined that IP2 and IP3 already have 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 NYSDOS and other state agencies with jurisdiction under state law to make those determinations. 15 CFR 930.51(b)(3). From this determination flows the conclusion that IP2 and IP3 require no further consistency review in connection with this proceeding.

Specifically, there have been consistency reviews of IP2 and IP3 operations on multiple occasions. For example, we note: (1) the New York Power Authority's (NYPA) environmental review in support of its transfer of IP3 to Entergy Nuclear Indian Point 3, LLC in 2000 (Reference 3); (2) the New York State Department of Environmental Conservation's (NYSDEC) Coastal Assessment Form dated February 11, 2000, completed as a part of the State Pollutant Discharge Elimination System (SPDES) Permit renewal application for IP2 and IP3 on March 2, 2000 (Reference 4); (3) the New York Public Service Commission's (NYPSC) Final Supplemental Environmental Impact

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Statement (FSEIS) for the transfer of IP1 and IP2 to Entergy Nuclear Indian Point 2, LLC dated August 17, 2001 (Reference 5); and (4) a Final Environmental Impact Statement (FEIS) concerning SPDES permit renewals for Hudson River energy facilities, including IP2 and IP3, by the NYSDEC on June 25, 2003 (Reference 6). Additional information on two of the prior consistency reviews follows:

- In 2000, NYPA authorized the transfer of IP3 to Entergy Nuclear Indian Point 3, LLC. As part of the ownership change, NYPA -- the New York State agency that had been the owner and operator of IP3 for more than two decades before the transfer, acting as the Lead Agency for the review-- conducted an environmental evaluation of the plant's operations. The evaluation included a Negative Declaration and Notice of Determination of Non-Significance pursuant to New York's State Environmental Quality Review Act (SEQRA), a Full Environmental Assessment, a New York Coastal Assessment, and a Federal Consistency certification (Reference 3). NYSDOS and NYSDEC also were involved in the evaluation. In this review, NYPA determined that IP3's operations were consistent with all enforceable policies of the New York Coastal Management Plan.
- On August 17, 2001, NYPSC adopted a Final Supplemental EIS regarding IP2 operations, clearing the transfer of the facility (and Indian Point Unit 1) from Consolidated Edison to Entergy Nuclear Indian Point 2, LLC. As a part of this authorization, NYPSC determined that the proposed transfer of Indian Point Unit 1 and IP2 was consistent with applicable New York coastal zone policies (Reference 5).

In addition, the operator and/or owners of IP2 and IP3 have applied for and been issued numerous other permits for specific plant operations or activities, such as building construction, wastewater or stormwater discharges, hazardous and mixed waste storage, air emissions, and petroleum storage. Each permit issued to IP2 or IP3 after the adoption of the New York Coastal Management Program (NYCMP) in 1982 required a determination by the relevant issuing agency that the specific operation or activity met all enforceable policies of the New York Coastal Management Plan.

Further, in the same manner as the transfers of IP2 and IP3 to Entergy Nuclear Indian Point 2, LLC and Entergy Nuclear Indian Point 3, LLC over a decade ago, the renewal of the operating licenses for IP2 and IP3 will not result in any change in the operation of the plants. Entergy does not at this time intend to make substantial modifications to either plant during the renewal period. Any potential modifications to IP2 or IP3 that may be imposed by NYSDEC as part of its future SPDES permit determinations will be reviewed and addressed in those proceedings, and are beyond the scope of the license renewal application currently pending before the NRC. Finally, the license renewal process has required, and will continue to require during the renewal period, the implementation of certain aging management programs. However, none of this affects how Entergy operates the plants.

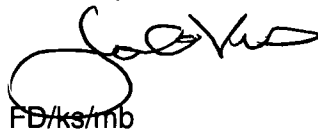
For these reasons, Entergy has concluded that no further action by NYSDOS in regard to a Consistency Certification is needed for the purpose of IP2 and IP3 license renewal. Thus, consistent with the requirements of 15 CFR 930.57(a), Entergy is supplementing its LRA to reflect the foregoing determinations in Section 9.3 of the Environmental Report for these units. See Enclosures 1 and 2. As an additional consequence, as reflected in Enclosure 3, Attachment D to the Environmental Report is deleted in its entirety.

There are no new commitments identified in this submittal. If you have any questions, or require additional information, please contact Mr. Robert Walpole at 914-254-6710.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 7/24/12.

Sincerely,

 For F. Dacimo
FD/ks/mb

- REFERENCES:
1. Entergy Letter from Fred Dacimo to NRC Document Control Desk, "License Renewal Application" (Apr. 23, 2007) (NL-07-039)
 2. NRC, Office of Nuclear Reactor Regulation, NUREG-1437, Supplement 38, Generic Environmental Impact Statement for License Renewal of Nuclear Plants Supplement 38 Regarding Indian Point Nuclear Generating Unit Nos. 2 and 3, Final Report (December 2010)
 3. NYPA, SEQRA Negative Declaration, on the proposed sale of NYPA's IP3 to Entergy (Mar. 31, 2000)
 4. NYSDEC, Coastal Assessment Form dated February 11, 2000 for Application for Renewal of the State Pollutant Discharge Elimination System (SPDES) Permit for IP2 and IP3 (Mar. 2, 2000)
 5. NYPSC, Order Adopting and Approving Issuance of FSEIS, on transfer of IP1 and 2 from Con Edison to Entergy (Aug. 17, 2001)
 6. NYSDEC, FEIS Concerning the Applications to Renew NY SPDES Permits for Hudson River Power Plants, including IP2 and IP3 (June 25, 2003)

- ENCLOSURES:
1. ER Section 9.3
 2. ER Table 9-2
 - 3: ER Attachment D [Deleted]

cc: Mr. William Dean, Regional Administrator, NRC Region 1
Mr. Douglas Pickett, Senior Project Manager, NRC NRR DORL
Mr. Robert F. Kuntz, NRC Sr. Project Manager, Division of License Renewal
Mr. David Wrona, NRC Branch Chief, Engineering Review Branch I
Mr. Sherwin E. Turk, NRC Office of General Counsel, Special Counsel
NRC Resident Inspectors Office, Indian Point
Ms. Bridget Frymire, NYS Dept. of Public Service
Mr. Francis J. Murray, Jr., President and CEO, NYSERDA
Mr. Cesar A. Perales, Secretary of State, NYSDOS

ENCLOSURE 1 TO NL-12-107

ER Section 9.3

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9.3 Coastal Zone Management Program Compliance

The Federal Coastal Zone Management Act (“Act”, 16 USC 1451 et seq.) imposes requirements on applicants for a federal license to conduct an activity that could affect a state's coastal zone. The Act requires the applicant to certify to the licensing agency that the proposed activity would be consistent with the state's federally approved coastal zone management program (16 USC 1456(c)(3)(A)). The National Oceanic and Atmospheric Administration has promulgated implementing regulations that indicate that the requirement is applicable to renewal of federal licenses for activities not previously reviewed by the state (15 CFR 930.51 (b)(1)). The regulation requires that the license applicant provide its certification to the federal licensing agency and a copy to the applicable state agency (15 CFR 930.57(a)).

The NRC’s office of Nuclear Reactor Regulation has issued guidance to its staff regarding compliance with the Act. This guidance acknowledges that New York has an approved coastal zone management program [NRC 2004]. The IP2 and IP3 site, located in Westchester County, is within the New York coastal zone.

~~The NRC is expected to issue the draft SEIS for IP2 and IP3 in early 2008. At that time, Entergy will submit an application for a Coastal Zone Consistency Certification (see Attachment D) to the NYSDOS which will include a copy of the License Renewal Application for IP2 and IP3 and a copy of the draft SEIS in fulfillment of the regulatory requirement for submitting a copy of the coastal zone consistency certification to the appropriate state agency. Entergy has determined that its License Renewal Application for IP2 and IP3 satisfies the requirements of the Act. In particular, IP2 and IP3 have already obtained the necessary consistency reviews from the State of New York, license renewal will not result in coastal effects that are substantially different than the effects previously reviewed by New York State and found to be consistent with the applicable policies of the New York Coastal Management Plan, and therefore, IP2 and IP3 require no further consistency determinations associated with license renewal. Moreover, Entergy now believes that the New York Coastal Management Plan also exempts both plants from further consistency review.~~

ENCLOSURE 2 TO NL-12-107

ER Table 9-2

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Table 9-2
Environmental Consultations Related to License Renewal

Agency	Authority	Activity Covered
U.S. Fish and Wildlife Service and National Marine Fisheries Service	Endangered Species Act Section 7 (16 USC 1636)	Requires federal agency issuing a license to consult with USFWS and NMFS.
New York Natural Heritage Program	Endangered Species Act Section 7 (16 USC 1636)	Requires federal agency issuing a license to consult with the fish and wildlife agency at the state level.
New York State Office of Parks, Recreation, and Historic Preservation	National Historic Preservation Act Section 106	Requires federal agency issuing a license to consider cultural impacts and consult with SHPO.
New York State Department of State	Federal Coastal Zone Management Act (16 USC 1451 et seq.); <u>National Oceanic and Atmospheric Administration Regulations (15 CFR 930.51(e))</u>	<u>Requires federal agency issuing a license to make a determination of substantially different coastal effects after consulting with the state agency and applicant, to the extent required by 15 CFR 930.51(e)</u> Requires an applicant to provide certification to the federal agency issuing the license that license renewal would be consistent with the federally approved state coastal zone management program.
New York State Department of Environmental Conservation	Clean Water Act, Section 401 (33 USC 1341)	Requires New York State certification that discharge would comply with state water quality standards

ENCLOSURE 3 TO NL-12-107

ER Attachment D [Deleted]

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Attachment D

Coastal Management Program Consistency Determination

TO BE SUBMITTED AT LATER DATE

Federal Consistency Certification for Federal Permit and License Applicants¹

This is the Entergy Nuclear Indian Point 2, LLC (IP2) and Entergy Nuclear Indian Point 3, LLC (IP3), here-in after referred to as "Entergy", certification to the U.S. Nuclear Regulatory Commission (NRC) that the renewal of the IP2 and IP3 Operating Licenses will be consistent with enforceable policies of the federally approved state coastal zone management program. The certification describes background requirements, the proposed action (i.e. license renewal), anticipated environmental impacts, New York State Coastal Management Program (NYSCMP) policies, IP2 and IP3 compliance status, and summary findings.

CONSISTENCY CERTIFICATION

Entergy certifies to the NRC that renewal of the IP2 and IP3 Operating Licenses comply with the enforceable policies of New York State's approved Coastal Management Program (NYSCMP) and will be conducted in a manner consistent with such program. Entergy expects IP2 and IP3 operations during the renewed license terms to be a continuation of current operations as described below, with no physical or operational station alterations that would affect New York State's coastal zone.

NECESSARY DATA and INFORMATION

Statutory Background

The Federal Coastal Zone Management Act (CZMA) (16 USC 1451 et seq.) imposes requirements on an applicant for a Federal license to conduct a review of an activity that could affect a state's coastal zone. The Act requires an applicant to certify to the licensing agency that the proposed action would be consistent with the state's federally approved coastal zone management program. The Act also requires the applicant to provide to the state a copy of the certification statement and requires the state, at the earliest practicable time, to notify the federal agency and the applicant whether the state concurs with, or objects to, the consistency certification. See 16 USC 1456(c)(3)(A).

The National Oceanic and Atmospheric Administration (NOAA) has promulgated implementing regulations that indicate the certification requirement is applicable to renewal of federal licenses for activities not previously reviewed by the state [15 CFR 930.51(b)(1)]. NOAA approved the New York coastal zone management program in 1982. In New York, the approved program is the NYSCMP, and the New York State Waterfront Revitalization of Coastal Areas and Inland Waterways Act, contained in State Executive Law (SEL) Article 42, Department of State regulations in 19 NYCRR Part 600, and State Environmental Quality Review Act (SEQRA) regulations in 6 NYCRR Part 617.

Article 42 SEL 912.9 assures the consistency of federal actions with policies of the New York coastal area and inland waterways and with accepted waterfront revitalization programs of the area. NRC licensing is a federal activity, and the IP2 and IP3 location is within the New York coastal area and inland waterways. IP2 and IP3's withdrawal from and discharge to coastal areas and inland waterways could reasonably be expected to potentially affect the coastal areas and inland waterways. The state regulation requires certification of compliance with the

¹ This certification is patterned after the example certification included as Appendix E of NRC LIC-203, 2004.

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NYSCMP policies (19 NYCRR Part 600.3) and the regulation lists the policies (19 NYCRR Part 600.5). Table D-1 identifies the policies and Entergy's justification for certifying compliance.

Proposed Action

Entergy is applying to the NRC for renewal of the IP2 and IP3 Operating Licenses for an additional 20 years beyond the current expiration dates of September 28, 2013 and December 12, 2015, respectively. Entergy expects IP2 and IP3 operations during the license renewal term to be a continuation of current operations as described in the following paragraphs, with no physical or operational changes that would affect the New York State coastal zone. Entergy certifies that the license renewal application complies with the enforceable policies of the NYSCMP and that IP2 and IP3 will continue to be operated in a manner consistent with such policies.

Background Information

IP2 and IP3 are located 24 miles north of New York City on approximately 239 acres of land on the east bank of the Hudson River in upper Westchester County, New York. There are three reactors at the site, Indian Point Units 1, 2, and 3. IP1 was permanently shut down in 1974 and is in SAFSTOR until it is decommissioned. A decommissioning plan for IP1 has been submitted to the NRC and accepted, with plans for decommissioning when IP2 is decommissioned.

Power generation during the license renewal term will consist of IP2 and IP3, with pressurized water reactors and turbine generators licensed for outputs of 3,216 and 3,216 megawatts-thermal (MWt), and electric ratings of 1078 and 1080 megawatts-electric (MWe), respectively. The IP2 Operating License was issued in September 1973 and expires in September 2013. The IP3 Operating License was issued in December 1975 and expires in December 2015. Entergy Nuclear Operations, Inc., a subsidiary of Entergy, operates the facility. The site exclusion area is shown in Figure 2-3 of the license renewal Environmental Report (ER). Approximately 90% of the area within 6 miles of the station is residential housing, parks, and military reservations. The transmission system that ties IP2 and IP3 to the New York grid is in a single right-of-way to Buchanan Substation, located approximately 2,100 feet southeast of the reactors. In areas such as the Hudson River Valley, the inland boundary of the coastal zone may extend inland up to 10,000 feet. In the vicinity of IP2 and IP3, the boundary lies along Washington Street to the east of the Village of Buchanan, and therefore, the area of interest includes the plant property and the Buchanan Substation [NOAA]. Figures 2-1 and 2-2 of the Environmental Report are IP2 and IP3 50-mile and 6-mile vicinity maps, respectively.

IP2 and IP3 are equipped with once-through heat dissipation systems that withdraw cooling water from and discharge to the Hudson River. The details of the plants' cooling systems, intake structures, and discharge system are provided in Chapter 3 of the license renewal ER. IP2 and IP3 each have shoreline-situated intake structures consisting of seven bays (six for circulating water and one for service water). Ristroph screens and fish return systems were timely installed at IP3 and IP2 and completed in 1990 and 1991, respectively. Design features incorporated into the machines were developed and tested in concert with the Hudson River Fishermen's Association [CHGEC]. Modified baskets employing bucket features collect and lift fish to be returned to the river. Additionally, the head section of the screen employs five (5) spray wash headers; three (3) low pressure fish sprays, and two (2) high pressure debris sprays for debris removal. Each screen well is provided with the ability to install stop logs to allow

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dewatering of any individual screen well for maintenance purposes. The water from each individual screenwell flows to a motor-driven, vertical, mixed flow condenser-circulating water pump. [IP2 UFSAR, Section 10.2.4; IP3 UFSAR, Section 10.2.4]

Fish are returned to the estuary through a 12-inch diameter pipe that extends 200 feet into the river on the north side of the IP2 intake structure. The pipe is partially buried in the river bottom, and discharges fish at a depth of 35 feet. The location of the discharge was selected after conducting dye and fish release studies to find a location that would minimize re-impingement. [CHGEC, Section IV.B.2.c] Key components of the IP3 screens are identical to those installed at IP2. The IP3 fish return system discharges outside the northwest corner of the station's cooling water discharge canal. [CHGEC, Section V.B.2.c.ii]

For IP2, each of the six dual-speed condenser-circulating water pumps provides 140,000 gpm and 21 ft total dynamic head when operating at 254 rpm and 84,000 gpm and 15 ft total dynamic head when operating at 187 rpm. Each pump is located in an individual pump well, thus tying a section of the condenser to an individual pump [IP2 UFSAR, Section 10.2.4]. For IP3, each of the six variable-speed condenser-circulating water pumps provides 140,000 gpm at 29 ft total dynamic head when operating at 360 rpm [IP3 UFSAR, Section 10.2.4].

The owners use best reasonable efforts to operate the IP2 and IP3 dual and variable speed circulating pumps to keep the volume of river water drawn into the stations during the relevant entrainment period at the minimum required for efficient operation, considering ambient river water temperature, plant operating status, the need to meet water quality standards and other permit conditions. Flow rates are dependent upon intake water temperature and typically peak between early May and late October. In addition, outages are scheduled, where reasonably practicable, in a manner sensitive to entrainment considerations, typically during the late spring entrainment period, with the result that only one unit is operating during that outage period each year. Further, extensive entrainment survival studies reflect a very high level of entrainment survival among certain species.

After moving through the condensers, cooling water from IP2 and IP3 flows downward from the discharge water boxes by way of six 96-inch down pipes, and exits under the water surface in a 40-foot-wide discharge canal.

The outfall or discharge structure for the IP2 and IP3 facility is designed to enhance mixing of cooling water and river water in such a way as to minimize thermal impact in the river. It can accommodate the combined cooling water flow from both IP2 and IP3 (about 1.75 million gpm, including service water). The cooling water from the discharge channel is released to the Hudson River via an outfall structure located south of IP3. The outfall structure consists of 12 submerged rectangular ports equipped with adjustable gates that are in line and parallel to the river axis. The ports, 4 feet high by 15 feet wide and spaced 21 feet apart (center to center), are submerged to a depth of 12 feet (center to surface) at minimum level water. The first upstream port is approximately 600 ft from the IP3 intake; the length of the total port section is approximately 252 feet. The discharge port gates can be adjusted mechanically to maintain a minimum hydraulic head differential of 1.75 feet across the outfall structure, which assures a discharge velocity of approximately 10 fps. [CHGEC, Section IV.B.2.e]

Entergy holds State Pollutant Discharge Elimination System (SPDES) permits for this and other plant/stormwater discharges (NY-0004472, NY-0234826, NY-0250414, NY-0251135) with

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effluent limitations, monitoring requirements, and other conditions that ensure that all discharges are in compliance with Title 8 of Article 17 of the Environmental Conservation Law (ECL) of New York State and the Clean Water Act (CWA), as amended (33 USC Section 1251 et seq.). In accordance with permit requirements, Entergy monitors discharge characteristics and reports the results to the New York State Department of Environmental Conservation (NYSDEC). Concentrations of radioactivity in effluents are subject to the requirements and limitations of the NRC.

Typically, the temperature increase across the IP3 condenser at 360 RPM is in the range from 14.6°F to 18.0°F (8.1°C to 10°C) and at IP2 with all fast speed pumps from 17°F to 22°F (9.44°C to 12.22°C). Severe fouling due to debris in the Hudson River may cause the water temperature increase across the condensers to go as high as approximately 35°F (19.44°C). The permitted daily average discharge temperature is not to exceed 35°F (34°C) between April 15th and June 30th for more than 15 days a year during that time period, and at no time is the maximum discharge temperature to exceed 110°F (43.3°C).

IP2 and IP3 do not have an onsite wastewater treatment plant. Sanitary wastewaters from all plant locations is transferred to the Village of Buchanan publicly owned treatment works (POTW) system where it is managed appropriately, except for a few isolated areas which have their own septic tanks which are pumped out by a septic company, as needed, and taken to an offsite facility for appropriate management. Although sanitary wastewaters at the site are nonradioactive, a radiation monitoring system is provided to continuously monitor radiation levels in the effluent from the protected area.

As of June 2006, Entergy employs a permanent workforce of approximately 1,255 employees (including baseline permanent contractors) at IP2 and IP3. The majority of the IP2 and IP3 workforce (approximately 78%) lives in Dutchess, Orange, and Westchester Counties. IP2 and IP3 are on a 24-month alternating refueling cycle. During refueling outages, site employment increases above the 1,255 person permanent workforce by approximately 950 workers for temporary duty (approximately 30 days).

Environmental Impacts

The NRC has prepared a Generic Environmental Impact Statement assessing impacts that nuclear power plant license renewal could have on the environment and has codified its findings in 10 CFR 51, Subpart A, Appendix B, Table B-1 [NRC 1996]. The codification identified 92 potential environmental issues, 69 of which the NRC identified as having small impacts and termed "Category 1 issues." The NRC defines "small" as:

Small—For the issue, environmental effects are not detectable or are so minor that they will neither destabilize nor noticeably alter any important attribute of the resource. For the purpose of assessing radiological impacts, the Commission has concluded that those impacts that do not exceed permissible levels in the Commission's regulations are considered small as the term is used in this table (10 CFR 51, Subpart A, Appendix B, Table B-1).

The NRC based its assessment of license renewal impacts on its evaluations of impacts from current plant operations. The NRC codification and the Generic Environmental Impact Statement discuss the following types of Category 1 environmental issues:

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- Surface water quality, hydrology, and use
- Aquatic ecology
- Groundwater use and quality
- Terrestrial resources
- Air quality
- Land use
- Human health
- Postulated accidents
- Socioeconomics
- Uranium fuel cycle and waste management
- Decommissioning

In its decision making for plant specific license renewal applications, absent new and significant information to the contrary, the NRC relies on its codified findings, as amplified by supporting information in the Generic Environmental Impact Statement, for assessment of environmental impacts from Category 1 issues [10 CFR 51.95(e)(4)]. For plants such as IP2 and IP3 that are located in the coastal zone, many of these issues involve potential impacts to the coastal zone. Entergy has adopted by reference the NRC findings and Generic Environmental Impact Statement analyses for all 43² Category 1 issues applicable to IP2 and IP3.

The NRC regulation identified 21 issues as "Category 2," for which license renewal applicants must submit additional site-specific information.³ Of these, 11 apply to IP2 and IP3⁴, and like the Category 1 issues, could potentially involve impacts to the coastal zone. The applicable issues and Entergy's impact conclusions are listed below:

- Aquatic ecology
 - Entrainment of fish and shellfish in early life stages—This issue addresses mortality of organisms small enough to pass through the plant's circulating cooling water system. IP2 and IP3 utilize a once-through cooling water system that withdraws

² The remaining Category 1 issues do not apply to IP2 and IP3 either because they are associated with design or operational features that IP2 and IP3 does not have (e.g., cooling towers) or to refurbishment activities that IP2 and IP3 will not undertake.

³ 10 CFR 51, Subpart A, Appendix B, Table B-1 also identifies 2 issues as "NA" for which the NRC could not come to a conclusion regarding categorization. Entergy believes that these issues, chronic effects of electromagnetic fields and environmental justice, do not affect "coastal zone" as that phrase is defined by the Coastal Zone Management Act (16 USC 1453(1)).

⁴ The remaining Category 2 issues do not apply to IP2 and IP3 either because they are associated with design or operational features that IP2 and IP3 does not have (e.g., cooling towers) or to refurbishment activities that IP2 and IP3 will not undertake.

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cooling water from the Hudson River. The plant holds a State Pollutant Discharge Elimination System (SPDES) permit (NY 0004472) for discharge of cooling waters from the New York State Department of Environmental Conservation [NYSDEC 1987]. More than 30 years of extensive fisheries studies of the Hudson River have been conducted in the vicinity of IP2 and IP3. The results of studies performed from 1974 to the present period have not shown any negative trend in overall aquatic river species populations attributable to plant operations [CHGEC; ASA]. The ongoing studies continue to support these conclusions [ASA]. Entergy uses best reasonable efforts to operate IP2 and IP3 dual and variable speed circulating pumps to keep the volume of river water drawn into the stations during the relevant entrainment period at the minimum required for efficient operation, considering ambient river water temperature, plant operating status, the need to meet water quality standards, and other permit conditions. Flow rates are dependent upon intake water temperature, and typically peak between early May and late October. In addition, outages are scheduled, where reasonably practicable, in a manner sensitive to entrainment considerations, typically during the late spring entrainment period, with the result that only one Station is operating during that outage period each year. Further, extensive entrainment survival studies reflect a very high level of entrainment survival among certain species. Mitigation measures implemented through the Hudson River Settlement Agreement and retained in the four Consent Orders, current agreements with NYSDEC, along with the outcome of current draft SPDES Permit proceedings, will ensure that entrainment impacts remain SMALL during the license renewal term [HRSA; NYSDEC 1997].

- Impingement of fish and shellfish—This issue addresses mortality of organisms large enough to be caught by intake screens before passing through the plant's circulating cooling water system. The plant has installed Ristroph screens and fish return systems on the IP2 and IP3 intake structures to minimize the impact of impingement. Extensive descriptions of more than 23 years of Hudson River fisheries and habitat studies involving trends in key species abundance, diversity, richness, and mortality rates, and impacts from entrainment and impingement at once-through cooling water intakes were provided in a 1999 Draft Environmental Impact Statement (DEIS) submitted on behalf of the owners of the Roseton, Bowline Point, and Indian Point generating stations [CHGEC]. As mentioned above, continuing studies are ongoing, and are submitted annually to the NYSDEC. The DEIS describes sampling study results at Indian Point (IP2 and IP3), and identified 88 species of fish in more than 20 years of impingement studies. Conditional mortality rate (CMR) estimates of the numbers of fish lost to impingement integrated with estimates of the abundance of fish in the river were presented in the DEIS (as a percentage) to estimate the proportional reduction of the population [CHGEC, Section VI.B.1.b]. CMRs and discussion of models to define the CMRs are presented in the DEIS and its appendixes [CHGEC, Section VI.2.A and B]. The estimated average annual CMR due to impingement for American shad is 0.0%, for Atlantic tomcod is 0.62%, for bay anchovy is 0.05%, for blueback herring is 0.22%, for alewife is 0.14%, for spottail shiner is 0.10%, for striped bass is 0.20%, and for white perch is 1.70% [CHGEC, Section V.D]. It should be noted that the impingement percentages included data collected from 1981 to 1990, which was prior to installation of the Ristroph screens on the IP2 and IP3 intakes. Therefore, the impingement mortality during current operations and the license renewal period would be significantly less, based on the

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impingement mortality percentage estimates cited above and anticipating the continued use of the Ristroph screens and fish return systems installed. In the Fact Sheet to the draft permit, NYSDEC noted that the current design, along with seasonable flow reductions and generation outages..., attains an estimated 77% reduction in impingement mortality [NYSDEC 2003]. Currently, more than 30 years of extensive fisheries studies of the Hudson River have been completed in the vicinity of IP2 and IP3. The results of the studies performed from 1974 to 1997, the period of time covered in the DEIS, are referenced and summarized in the DEIS, and have not shown any negative trend in overall aquatic river species populations attributable to plant operations. Ongoing studies continue to support these conclusions [ASA]. In addition, current mitigation measures implemented through the HRSA and retained in the four Consent Orders, the current agreements with NYSDEC, along with the outcome of the draft SPDES Permit proceeding, will ensure that impingement impacts remain SMALL during the license renewal term.

- ♦ **Heat shock** — This issue addresses mortality of aquatic organisms by exposure to heated plant effluent. The studies discussed above also addresses the impact from heat shock and requirements of 316(a) of the federal Clean Water Act and NYSDEC regulations. Temperature limitations established by the NYSDEC in SPDES permit NY-0004472 to ensure the protection and propagation of a balanced indigenous population of shellfish, fish, and wildlife in the Hudson River are being met. In addition, as discussed above, the sites' discharges were designed, and are operated, to minimize potential adverse impacts. Therefore, Entergy concludes that heat discharge from the sites' cooling systems does not cause appreciable harm or interfere with the maintenance of a balanced indigenous aquatic population and that impacts will remain SMALL during the license renewal period.

- **Threatened or endangered species**

Four animal species currently protected and two candidate species under the Endangered Species Act have geographic ranges which could possibly include the site (see Table D-2). Federally protected and candidate species potentially represented include two fish, two mammals, one reptile, and one bird. These are the shortnose sturgeon (*Acipenser brevirostrum*), Atlantic sturgeon (*Acipenser oxyrinchus*), Indiana bat (*Myotis sodalis*), New England cottontail rabbit (*Sylvilagus transitionalis*), bog turtle (*Glemmys muhlenbergii*), and bald eagle (*Haliaeetus leucocephalus*). Of these species, the Indiana bat and the shortnose sturgeon are listed as endangered, the bog turtle and bald eagle are listed as threatened, and the Atlantic sturgeon and the New England cottontail rabbit are listed as candidate species. There have been no sightings of the Indiana bat or bog turtle either onsite or within the vicinity of the site.

The shortnose sturgeon is the only aquatic species listed as threatened or endangered in the vicinity of IP2 and IP3. Entergy received USFWS and NMFS input on the presence of listed species in the vicinity of Indian Point in January 2007. Both agencies identified the shortnose sturgeon in the vicinity of Indian Point. NMFS also mentioned the presence of the Atlantic sturgeon in the vicinity of Indian Point, which the agency is considering as a Candidate Species, and has initiated a status review for threatened or endangered species listing. However, the NMFS has previously stated in biological assessments involving the shortnose sturgeon that,

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overall, the intakes and discharges of Hudson River power plants are unlikely to jeopardize the recovery of the Hudson River shortnose sturgeon population [NMFS].

Bald eagles have increased in total number, successful nesting pairs, and number of young produced. Alteration of the landscape required by bald eagles continues to be the biggest single threat to this species. Since there are no plans to alter operations, expand existing facilities, or acquire additional land in support of license renewal, therefore no anticipated potential impacts on nesting sites from continued site operations. Even so, Entergy has fleet procedural controls in place to ensure that threatened and endangered species are adequately protected, if present, during site operations and project planning.

Therefore, Entergy concludes that impacts from IP2 and IP3 plant operations to the species discussed above are SMALL and has no plans that would change this conclusion for the license renewal term.

- Human health

Electromagnetic fields, acute effects (electric shock)—This issue addresses the potential for shock from induced currents, similar to static electricity effects, in the vicinity of transmission lines. Because this strictly human health issue does not directly or indirectly affect natural resources of concern within the Coastal Zone Management Act definition of "coastal zone" [16 USC 1453(1)], Entergy concludes that the issue is not subject to the certification requirement.

- Socioeconomics

- ♦ Housing—This issue addresses impacts that IP2 and IP3 employees required to support license renewal could have on local housing availability. The NRC concluded, and Entergy concurs, that the operation of Indian Point has not considerably affected the housing in the communities neighboring the plants or in the whole of Westchester or Dutchess counties [NRC, 1996, D-2, Section C.4.4.2.1]. Further, the NRC concluded that impacts related to housing value and marketability that occur during the license renewal term are the same as those currently experienced. As Entergy does not intend to add additional permanent employees to the IP2 and IP3 workforce, Entergy has concluded that impacts during the IP2 and IP3 license renewal term would be SMALL.
- ♦ Public services: public utilities—This issue addresses impacts that adding license renewal workers could have on public water supply systems. Entergy has analyzed the availability of public water supplies in candidate locales and has found no limitations that would suggest that the IP2 and IP3 workforce would cause adverse impacts on the public water supply. As Entergy does not intend to add additional permanent employees to the IP2 and IP3 workforce, Entergy has concluded that impacts during the license renewal term would be SMALL.
- ♦ Offsite land use—This issue addresses impacts on land use patterns from local government spending of plant PILOT and property tax dollars. IP2 and IP3 PILOT payments comprise approximately 39 percent of the Village of Buchanan revenues and Entergy expects this to remain generally unchanged during the license renewal term. The NRC concluded, and Entergy concurs, that impacts to offsite land use would be

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small if tax payments continue at approximately the same level. Therefore, Entergy concludes that impacts during the IP2 and IP3 license renewal term would be SMALL.

- ♦ Public services: transportation—This issue addresses impacts that adding license renewal workers could have on local traffic patterns. As Entergy does not intend to add additional employees to the permanent workforce for the license renewal term, this would result in SMALL impacts.
- ♦ Historic and archaeological resources—This issue addresses impacts that license renewal activities could have on resources of historic or archaeological significance. Although a number of archaeological or historic sites have been identified near the IP2 and IP3 site, none have been identified on plant property. Therefore, since no refurbishment activities are required and there are also no plans to alter operations, expand existing facilities, or disturb additional land in support of license renewal, Entergy concludes that impacts during the license renewal term would be SMALL. Entergy's correspondence with the New York State Historic Preservation Officer (SHPO) also supports this conclusion since the SHPO identified no issues of concern.

State Program

The New York State Coastal Management Program is administered by the Division of Coastal Resources within the New York State Department of State (NYSDOS). The office maintains a website that describes the program in general terms [NYDS]. The New York State Coastal Management Program [SEL] contains details about the state's enforceable policies and management principles. Table D-1 lists these policies and discusses for each item the applicability to IP2 and IP3 and, where applicable, the status of IP2 and IP3 compliance.

Findings

1. The NRC has found that the environmental impacts of Category 1 issues are SMALL. Entergy has adopted by reference NRC findings for Category 1 issues applicable to IP2 and IP3.
2. For Category 2 issues applicable to IP2 and IP3, Entergy has determined that the environmental impacts are SMALL.
3. IP2 and IP3 are in compliance with New York State licensing and permitting requirements and are in compliance with its local government issued licenses and permits.
4. Entergy's license renewal and continued operation of IP2 and IP3 would be consistent with the enforceable policies of the New York State Coastal Management Program.

STATE NOTIFICATION

By this certification that IP2 and IP3 license renewal is consistent with the New York State Coastal Management Program, the New York State Department of State is notified that it has six months from receipt of this letter and accompanying information in which to concur with or object to Entergy's certification. However, pursuant to the New York State Coastal Management Program and 15 CFR Part 930, if the New York State Department of State has not

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~~issued a decision within three months following the commencement of state agency review, it shall notify the contacts listed below of the status of the matter and the basis for further delay. The New York State Department of State's concurrence, objection, or notification of review status shall be sent to:~~

Bo Pham U.S. Nuclear Regulatory Commission One White Flint North 11555 Rockville Pike Rockville, MD 20852-2738	Fred Dacimo Site Vice President Indian Point Energy Center 450 Broadway, Suite 1 Buchanan, NY 10511
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Council, Inc. et. al. vs. New York State Department of Environmental Conservation and Consolidated Edison Company of New York, Inc., New York Power Authority, Orange and Rockland Utilities, Inc., and Central Hudson Gas and Electric Corp.

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USFWS (U.S. Fish and Wildlife Service). 2005. Federally listed and proposed endangered, threatened, and candidate species in New York. USFWS New York and Long Island Field Offices, accessed on January 11, 2006 at <http://www.fws.gov/northeast/nyfo/es/list.htm>.

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Table D-1
New York State Coastal Management Program's
New York State Coastal Policies

The New York State Coastal Management Program (NYSCMP) policies are contained in the Article 42 of the State Executive Law (SEL), Department of State regulations in 19 NYCRR Part 600, and the State Environmental Quality Review Act (SEQRA) 6 NYCRR Part 617 and requires persons seeking approval for activities which may impact the Coastal Zone to demonstrate that the activity is consistent with all enforceable policies in 19 NYCRR Part 600 and 6 NYCRR Part 617. Entergy is seeking renewal of the operating licenses for IP2 and IP3. The following table details the NYSCMP policies of 19 NYCRR Part 600 and provides Entergy's demonstration that IP2 and IP3 license renewal would be consistent with 19 NYCRR Part 600.

POLICY	JUSTIFICATION/CONSISTENCY
DEVELOPMENT POLICIES	
DEVELOPMENT POLICY #1: Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational, and other compatible uses.	IP2 and IP3 license renewal is not an action involving underutilized waterfront areas. IP2 and IP3 have no plans for additional activities or development along the waterfront as a part of the proposed activity; therefore the proposed activity is consistent with this policy.
DEVELOPMENT POLICY #2: Facilitate the siting of water dependent uses and facilities on or adjacent to coastal waters.	The renewal of the IP2 and IP3 Operating Licenses would have no effect on the water dependant uses on or adjacent to coastal waters. IP2 and IP3 have no plans for development along the waterfront as a part of the proposed activity; therefore the proposed activity is consistent with this policy.
DEVELOPMENT POLICY #3: Further develop the state's major ports of Albany, Buffalo, New York, Ogdensburg, and Oswego as centers of commerce and industry, and encourage the siting, in these port areas, including those under the jurisdiction of state public authorities, of land use and development which is essential to, or in support of, the waterborne transportation of cargo and people.	The renewal of the IP2 and IP3 Operating Licenses would have no impact on the State's major ports. IP2 and IP3 have no plans for additional development along the waterfront as a part of the proposed activity; therefore the proposed activity is consistent with this policy.
DEVELOPMENT POLICY #4: Strengthen the economic base of smaller harbor areas by encouraging the development and enhancement of these traditional uses and	IP2 and IP3 are not a small harbor area and license renewal would have no known impact on any smaller harbor areas. In addition, IP2 and IP3 have no plans for additional activities

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POLICY	JUSTIFICATION/ CONSISTENCY
activities which have provided such areas with their unique maritime identity.	or development along the waterfront as a part of the proposed activity; therefore the proposed activity is consistent with this policy.
DEVELOPMENT POLICY #5: Encourage the location of development in areas where public services and facilities essential to such development are adequate.	The renewal of the IP2 and IP3 Operating Licenses would have no identified impact on the development of the existing built environment. In addition, IP2 and IP3 have no plans for additional development as a part of the proposed activity; therefore the proposed activity is consistent with this policy.
DEVELOPMENT POLICY #6: Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.	The renewal of the IP2 and IP3 Operating Licenses would have no identified impact on expediting permit procedures to facilitate siting of development activities. In addition, IP2 and IP3 have no plans for additional activities or development as a part of the proposed activity; therefore the proposed activity is consistent with this policy.
FISH AND WILDLIFE POLICIES	
FISH AND WILDLIFE POLICY #7: Significant coastal fish and wildlife habitats will be protected, preserved, and where practical, restored so as to maintain their viability as habitats.	IP2 and IP3 have not identified any impact that license renewal operations would have on the significant coastal fish and wildlife habitat. In addition, IP2 and IP3 have no plans for additional activities or development along the waterfront as a part of the proposed activity; therefore the proposed activity is consistent with this policy.
FISH AND WILDLIFE POLICY #8: Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which bio-accumulate in the food chain or which cause significant sub-lethal or lethal effects on these resources.	IP2 and IP3 operations are consistent with SPDES permit requirements which are based on federal and state water quality standards. All non-radiological effluent discharges are regulated by the New York State Department of Environmental Conservation (NYSDEC) through the State Pollutant Discharge Elimination System (SPDES) permit program. IP2 and IP3 has four such SPDES permits (NY 0004472, NY 0234826, NY 0250414, NY 0251135) with effluent limitations, monitoring requirements, and other conditions that ensures that all discharges are in compliance

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POLICY	JUSTIFICATION/ CONSISTENCY
	<p>with Title 8 of Article 17 of the Environmental Conservation Law (ECL) of New York State and the Clean Water Act (CWA), as amended (33 USC, Section 1251 et seq.).</p> <p>Concentrations of radioactivity in effluents are subject to the requirements of the NRC. IP2 and IP3 are in compliance with its licensing requirements, as well as the requirements and conditions of its SPDES permits. Therefore, it is protecting fish and wildlife resources in the Hudson River area where the plant is located.</p> <p>Pesticide use is regulated by the NYSDEC under 6 NYCRR Part 325. IP2 and IP3 have in place the appropriate NYSDEC Pesticide Business Registrations, submit the required annual reports to the State, and maintain appropriate applicator certifications to ensure that pesticide use and storage on-site are conducted properly and in accordance with regulations. Therefore, it is protecting fish and wildlife resources in the Hudson River area where the plant is located.</p> <p>Petroleum bulk storage on-site is regulated by the NYSDEC under 6 NYCRR Parts 612-614 for IP3, and 6 NYCRR Parts 610-614 and 17 NYCRR Parts 30 and 32 for IP2. IP2 and IP3 facilities have the appropriate registrations and procedures in place for spill prevention, response, and reporting. Onsite chemical bulk storage is regulated by the NYSDEC under 6 NYCRR Parts 595-599. IP2 and IP3 have in place Spill Prevention, Control, and Countermeasures Plans, as required under 40 CFR Part 112, to prevent the discharge of oil to surface waters or surface water tributaries. IP2 and IP3 also have in place Chemical Spill Prevention Plans, as required by 6 NYCRR Part 598, to prevent the discharge of hazardous chemicals to surface waters and their tributaries. IP2 and IP3 facilities have the appropriate registrations and procedures in place for proper materials handling and storage; spill prevention, response, and reporting; and storage systems inspection,</p>

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	<p>maintenance, and repair. IP2 and IP3 have in place processes and procedures to ensure that hazardous chemicals stored and used on-site are handled and stored in accordance with applicable State and Federal regulations. IP2 and IP3 are, therefore, protecting fish and wildlife resources in the Hudson River area.</p> <p>Hazardous and some mixed wastes generated on-site are packaged, temporarily stored, and shipped off-site for processing and disposal. The NYSDEC regulates these activities under 6 NYCRR Parts 370-376. In addition, IP2 has a NYSDEC permit for the storage of mixed wastes and both IP2 and IP3 have EPA permits for the storage of mixed wastes. These activities are also regulated under 6 NYCRR Parts 370-376, as well as 40 CFR Parts 260-268. IP2 and IP3 have in place processes and procedures to ensure that mixed and hazardous wastes are packaged, stored, and shipped so as to comply with the applicable State and Federal regulations, thus ensuring that fish and wildlife resources are protected. Therefore, fish and wildlife resources in the Hudson River area are protected and the proposed activity is consistent with this policy.</p>
<p>FISH AND WILDLIFE POLICY #9: Expand recreational use of fish and wildlife resources in coastal areas by increasing access to existing resources, supplementing existing stocks, and developing new resources.</p>	<p>Water dependent and water enhanced recreation along the IP2 and IP3 waterfront cannot be encouraged or facilitated for reasons of national security. In light of the events of September 11, 2001, heightened security concerns preclude encouragement of recreational use of IP2 and IP3's waterfront and other property by the general public.</p>

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POLICY	JUSTIFICATION/ CONSISTENCY
FISH AND WILDLIFE POLICY #10: Further develop commercial finfish, shellfish, and crustacean resources in the coastal area by encouraging the construction of new, or improvement of existing on-shore commercial fishing facilities, increasing marketing of the states seafood products, maintaining adequate stocks, and expanding aquaculture facilities.	Water-dependent and water-enhanced development along the IP2 and IP3 waterfront cannot be encouraged or facilitated for reasons of national security. In light of the events of September 11, 2001, heightened security concerns preclude encouragement of recreational use of IP2 and IP3's waterfront and other property by the general public.
FLOODING AND EROSION HAZARDS POLICIES	
FLOODING AND EROSION HAZARDS POLICY #11: Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.	Entergy is aware of no IP2 and IP3 impacts on coastal areas that damage property or endanger human lives due to flooding or erosion. IP2 and IP3 have no plans for refurbishment or development as a part of the proposed activity, and therefore the proposed activity is consistent with this policy.
FLOODING AND EROSION HAZARDS POLICY #12: Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands, and bluffs.	The shoreline within the IP2 and IP3-protected area has been evaluated according to its geological characteristics. The area is one in which severe natural phenomena such as tornados and flooding are uncommon. The continued operation of IP2 and IP3 during the license renewal period would not involve any activities that would disturb the shoreline along the IP2 and IP3 property. In addition, IP2 and IP3 have no plans for refurbishment or development along the shoreline as a part of the proposed activity; therefore the proposed activity is consistent with this policy.
FLOODING AND EROSION HAZARDS POLICY #13: The construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years as demonstrated in design and construction standards and/or assured maintenance or replacement programs.	IP2 and IP3 license renewal will not necessitate any construction or refurbishment activities. Therefore, the proposed activity is consistent with this policy.

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POLICY	JUSTIFICATION/ CONSISTENCY
FLOODING AND EROSION HAZARDS POLICY #14: Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development, or at other locations.	IP2 and IP3 are aware of no impacts that would result from the renewal of the IP2 and IP3 Operating Licenses on erosion hazard areas. In addition, IP2 and IP3 have no plans for additional development as a part of the proposed activity; therefore the proposed activity is consistent with this policy.
FLOODING AND EROSION HAZARDS POLICY #15: Mining, excavation or dredging in coastal waters shall not significantly interfere with the natural coastal processes which supply beach materials to land adjacent to such waters and shall be undertaken in a manner which will not cause an increase in erosion of such land.	The renewal of the IP2 and IP3 Operating Licenses would have no impact on coastal waters due to dredging, mining, or excavation. Any potential dredging to remove sediment build up in the vicinity of IP2 and IP3 intake or discharge structures would be completed in compliance with state and federal regulations that will ensure the action does not significantly interfere with natural coastal processes. Therefore, the proposed activity is consistent with this policy.
FLOODING AND EROSION HAZARDS POLICY #16: Public funds shall only be used for erosion protective structures where necessary to protect human life, and new development which requires a location within or adjacent to an erosion hazard area to be able to function, or existing development; and only where the public benefits outweigh the long term monetary and other costs including the potential for increasing erosion and adverse effects on natural protective features.	IP2 and IP3 are privately owned facilities and renewal of their Operating Licenses are not a state or federally funded project.
FLOODING AND EROSION HAZARDS POLICY #17: Non structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.	The shoreline within the IP2 and IP3 protected area has been evaluated according to its geological characteristics. The area is one in which severe natural phenomena such as tornados and flooding is uncommon. The continued operation of IP2 and IP3 during the license renewal period will not involve any activities that would disturb the shoreline along the IP2 and IP3 property. In addition, IP2 and IP3 have no plans for additional activities or development along the shoreline as a part of the proposed activity; therefore the proposed

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POLICY	JUSTIFICATION/ CONSISTENCY
	activity is consistent with this policy.
GENERAL POLICY	
<p>GENERAL POLICY #18: To safeguard the vital economic, social, and environmental interests of the state and of its citizens; proposed major actions in the coastal area must give full consideration to those interests; and to the safeguards which the state has established to protect valuable coastal resource areas.</p>	<p>IP2 and IP3 license renewal will have significant positive impact on the economic and social interest of New York State and its citizens from contributions to the tax base, education funding, support of public services infrastructure, and workforce. Entergy is aware of no negative impacts that continued operations would have on valuable coastal resource areas.</p>
PUBLIC ACCESS POLICIES	
<p>PUBLIC ACCESS POLICY #19: Protect, maintain, and increase the level and types of access to water-related recreation resources and facilities.</p>	<p>Water-dependent and water-enhanced recreation along the IP2 and IP3 waterfront cannot be encouraged or facilitated for reasons of national security. In light of the events of September 11, 2001, heightened security concerns preclude encouragement of recreational use of IP2 and IP3's waterfront and other property by the general public.</p>
<p>PUBLIC ACCESS POLICY #20: Access to the publicly-owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly-owned shall be provided and it shall be provided in a manner compatible with adjoining uses.</p>	<p>Water-dependent and water-enhanced recreation along the IP2 and IP3 waterfront cannot be encouraged or facilitated for reasons of national security. In light of the events of September 11, 2001, heightened security concerns preclude encouragement of recreational use of IP2 and IP3's waterfront and other property by the general public.</p>
RECREATION POLICIES	
<p>RECREATION POLICY #21: Water-dependent and water-enhanced recreation will be encouraged and facilitated, and will be given priority over non-water-related uses along the coast.</p>	<p>Water-dependent and water-enhanced recreation cannot be encouraged or facilitated for reasons of national security. In light of the events of September 11, 2001, heightened security concerns preclude encouragement of recreational use of IP2 and IP3's waterfront and other property by the general public.</p>

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POLICY	JUSTIFICATION/ CONSISTENCY
RECREATION POLICY #22: Development, when located adjacent to the shore, will provide for water-related recreation, whenever such is compatible with reasonably anticipated demand for activities, and is compatible with the primary purpose of the development.	Water-dependent and water-enhanced recreation cannot be encouraged or facilitated for reasons of national security. In light of the events of September 11, 2001, heightened security concerns preclude encouragement of recreational use of IP2 and IP3's waterfront and other property by the general public.
HISTORIC AND SCENIC RESOURCES POLICIES	
HISTORIC AND SCENIC RESOURCES POLICY #23: Protect, enhance, and restore structures, districts, areas, or sites that are of significance in the history, architecture, archaeology, or culture of the state, its communities, or the nation.	The renewal of the IP2 and IP3 Operating Licenses will have no impact on historic and cultural resources. In addition, IP2 and IP3 have no plans for refurbishment or development along the waterfront as a part of the proposed activity; therefore the proposed activity is consistent with this policy.
HISTORIC AND SCENIC RESOURCES POLICY #24: Prevent impairment of scenic resources of statewide significance.	The renewal of the IP2 and IP3 Operating Licenses will have no impairment impact on the significant scenic resources. In addition, IP2 and IP3 have no plans for additional activities or development along the waterfront as a part of the proposed activity; therefore the proposed activity is consistent with this policy.
HISTORIC AND SCENIC RESOURCES POLICY #25: Protect, restore, or enhance natural and man-made resources which are not identified as being of statewide significance, but which contribute to the overall scenic quality of the coastal area.	The renewal of the IP2 and IP3 Operating Licenses will have no additional impact on the scenic resources in the coastal area. In addition, IP2 and IP3 have no plans for additional activities or development along the waterfront as a part of the proposed activity; therefore the proposed activity is consistent with this policy.
AGRICULTURAL LANDS POLICY	
AGRICULTURAL LANDS POLICY #26: Conserve and protect agricultural lands in the state's coastal area.	IP2 and IP3 have no plans for additional activities or development along the waterfront as a part of the proposed activity; therefore the proposed activity is consistent with this policy.

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POLICY	JUSTIFICATION/ CONSISTENCY
ENERGY AND ICE MANAGEMENT POLICIES	
ENERGY AND ICE MANAGEMENT POLICY #27: Encourage energy conservation and the use of alternative sources such as solar and wind power in order to assist in meeting the energy needs of the State.	IP2 and IP3 are important power generation facilities that plays a vital role to assist in meeting the energy needs of the State, without which other sources of energy would be required that could cause environmental or quality of life impacts for the citizens of New York.
ENERGY AND ICE MANAGEMENT POLICY #28: Ice management practices shall not interfere with the production of hydroelectric power, damage significant fish and wildlife and their habitats, or increase shoreline erosion or flooding.	IP2 and IP3 operations and license renewal do not involve ice management practices.
ENERGY AND ICE MANAGEMENT POLICY #29: Encourage the development of energy resources on the outer continental shelf, in Lake Erie and in other water bodies, and ensure the environmental safety of such activities.	IP2 and IP3 are important power generation facilities that plays a vital role in meeting the energy needs of the State of New York, without which other sources of energy would be required that could cause environmental or quality of life impacts for the citizens of New York.
WATER AND AIR RESOURCES POLICIES	
WATER AND AIR RESOURCES POLICY #30: Municipal, industrial, and commercial discharge of pollutants, including but not limited to, toxic and hazardous substances, into coastal waters will conform to state and national water quality standards.	The effluent discharges from IP2 and IP3 are regulated by the NYSDEC through the SPDES permit program. IP2 and IP3 have been issued four SPDES permits (NY-0004472, NY-0234826, NY-0250414, NY-0251135) with effluent limitations, monitoring requirements, and other conditions that ensure that all discharges are in compliance with Title 8 of Article 17 of the ECL of New York State and the CWA, as amended (33 USC Section 1251 et seq.). Concentrations of radioactivity in effluents are subject to the requirements of the NRC. IP2 and IP3 are in compliance with its licensing requirements, as well as the requirements and conditions of its SPDES permits. Therefore, the proposed activity is consistent with this policy.

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POLICY	JUSTIFICATION/ CONSISTENCY
<p>WATER AND AIR RESOURCES POLICY #31: State coastal area policies and management objectives of approved local waterfront revitalization programs will be considered while reviewing coastal water classifications and while modifying water quality standards; however those waters already overburdened with contaminants will be recognized as being a development constraint.</p>	<p>The effluent discharges from IP2 and IP3 are regulated by the NYSDEC through the SPDES permit program. IP2 and IP3 have been issued four SPDES permits (NY-0004472, NY-0234826, NY-0250414, NY-0251135) with effluent limitations, monitoring requirements, and other conditions that ensure that all discharges are in compliance with Title 8 of Article 17 of the ECL of New York State and the CWA, as amended (33 USC Section 1251 et seq.). Concentrations of radioactivity in effluents are subject to the requirements of the NRC. IP2 and IP3 are in compliance with its licensing requirements, as well as the requirements and conditions of its SPDES permits. Therefore, the proposed activity is consistent with this policy.</p>
<p>WATER AND AIR RESOURCES POLICY #32: Encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high, given the size of the existing tax base of these communities.</p>	<p>IP2 and IP3 provide approximately 39 percent of the tax revenue for the Village of Buchanan, and is a major contributor to the tax base of Westchester County. IP2 and IP3 license renewal will have significant positive impact on the economic and social impact from contributions to the tax base, education funding, support of public services infrastructure, and workforce.</p>
<p>WATER AND AIR RESOURCES POLICY #33: Best management practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters.</p>	<p>IP2 and IP3 have in place four SPDES permits (NY-0004472, NY-0234826, NY-0250414, and NY-0251135) that incorporate best management practices to control storm water runoff. The NYSDEC regulates storm water management under 6 NYCRR Part 750, ECL 17-0808, and GP-06-002. IP2 and IP3 have programs and processes in place to ensure compliance with applicable NYSDEC storm water management requirements. Therefore, the proposed activity is consistent with this policy.</p>

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POLICY	JUSTIFICATION/ CONSISTENCY
<p>WATER AND AIR RESOURCES POLICY #34: Discharge of waste materials into coastal waters from vessels subject to state jurisdictions will be limited so as to protect significant fish and wildlife habitats, recreational areas and water supply areas.</p>	<p>IP2 and IP3 operations and license renewal do not involve discharge of waste materials into coastal waters from vessels. Therefore, the proposed activity is consistent with this policy.</p>
<p>WATER AND AIR RESOURCES POLICY #35: Dredging and filling coastal waters and disposal of dredged material will be undertaken in a manner that meets existing state permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands and wetlands.</p>	<p>IP2 and IP3 have no plans for mining, excavation, filling activities, or development along the waterfront as a part of license renewal operations. Any potential dredging to remove sediment build-up in the vicinity of IP2 and IP3 intake or discharge structures would be completed in compliance with state and federal regulations that will ensure the action does not significantly interfere with fish or wildlife habitats, scenic resources, important agricultural lands, or wetlands. Therefore, the proposed activity is consistent with this policy.</p>
<p>WATER AND AIR RESOURCES POLICY #36: Activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into coastal waters; all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spills occur.</p>	<p>IP2 and IP3 has in place procedures to ensure that petroleum and other hazardous materials used on site are safely handled and stored. The NYSDEC regulates petroleum bulk storage under the authority of 6 NYCRR Parts 610-614 and 17 NYCRR Parts 30 and 32. IP2 and IP3 facilities have the appropriate registrations, licenses, and procedures in place to prevent and report spills. Onsite chemical bulk storage is regulated by the NYSDEC under 6 NYCRR Parts 595-599. IP2 and IP3 have in place Spill Prevention, Control, and Countermeasures Plans as required under 40 CFR 112 to prevent the discharge of oil to surface waters or surface water tributaries. IP2 and IP3 also have in place Chemical Spill Prevention Plans, as required by 6 NYCRR Part 598, to prevent the discharge of hazardous chemicals to surface waters and their tributaries. IP2 and IP3 facilities have the appropriate registrations and procedures in place for proper materials handling and storage; spill prevention; response, and reporting; and storage systems inspection, maintenance, and repair. IP2 and IP3 also have in place processes and</p>

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POLICY	JUSTIFICATION/ CONSISTENCY
	<p>procedures to ensure that hazardous chemicals stored and used on-site are managed in accordance with applicable State and Federal regulations so as to prevent the release of these materials to coastal waters. Therefore, the proposed activity is consistent with this policy.</p>
<p>WATER AND AIR RESOURCES POLICY #37: Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics, and eroded soils into coastal waters.</p>	<p>IP2 and IP3 have in place four SPDES permits (NY 0004472, NY 0234826, NY 0250414, and NY 0251135) that incorporate best management practices to control storm water runoff. The NYSDEC regulates storm water management under 6 NYCRR Part 750, ECL 17-0808, and GP 06-002. IP2 and IP3 have programs and processes in place to ensure compliance with applicable NYSDEC storm water management requirements. The EPA has authority under 40 CFR 122. Therefore, the proposed activity is consistent with this policy.</p>
<p>WATER AND AIR RESOURCES POLICY #38: The quality and quantity of surface water and groundwater supplies will be conserved and protected particularly where such waters constitute the primary or sole source of water supply.</p>	<p>IP2 and IP3 do not use groundwater as a resource for any plant operations or as a potable water source. Processes and procedures are in place for the handling and storage of hazardous materials on-site to prevent spills and to respond to any that occur so as to minimize impacts to groundwater or surface water resources. Effluents from plant operations are regulated under IP2 and IP3's SPDES permits so as to minimize the impacts to surface water supplies (Hudson River) and minimize water use. SPCC Plans are in place to protect surface water resources as required under 40 CFR 112, to prevent the discharge of oil to surface waters or surface water tributaries. IP2 and IP3 have in place processes and procedures that conserve and protect both groundwater and surface water resources. Radiological effluents are regulated in accordance with NRC regulations, policies, and guidance. Therefore, the proposed activity is consistent with this policy.</p>

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POLICY	JUSTIFICATION/ CONSISTENCY
<p>WATER AND AIR RESOURCE S POLICY #39: The transport, storage, treatment, and disposal of solid wastes, particularly hazardous wastes, within coastal areas will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural land, and scenic resources.</p>	<p>IP2 and IP3 do not dispose of solid waste on-site. Hazardous and some mixed wastes generated on-site are packaged, temporarily stored, and shipped off-site for processing and disposal. The NYSDEC regulates these activities under 6 NYCRR Parts 370-376. In addition, IP2 has a NYSDEC permit for the storage of mixed wastes and both IP2 and IP3 have EPA permits for the storage of mixed wastes. These activities are also regulated under 6 NYCRR Parts 370-376, as well as 40 CFR Parts 260-268. IP2 and IP3 have in place processes and procedures to ensure that mixed and hazardous wastes are packaged, stored, and shipped in compliance with the applicable State and Federal regulations, thus ensuring that groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural land, and scenic resources are protected. The proposed activity is, therefore, consistent with this policy.</p>
<p>WATER AND AIR RESOURCES POLICY #40: Effluent discharged from major steam electric generating and industrial facilities into coastal waters will not be unduly injurious to fish and wildlife and shall conform to state water quality standards.</p>	<p>The effluent discharges from IP2 and IP3 are regulated by the NYSDEC through the SPDES permit program. The site has been issued four SPDES permits (NY-0004472, NY-0234826, NY-0250414, NY-0251135) with effluent limitations, monitoring requirements, and other conditions that ensure that all discharges are in compliance with Title 8 of Article 17 of the ECL of New York State and the CWA, as amended (33 USC Section 1251 et seq.). IP2 and IP3 are in compliance with its SPDES permits and are meeting all requirements and conditions set forth in the permits, and it is minimizing impacts to fish and wildlife. The proposed activity is, therefore, consistent with this policy.</p>

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POLICY	JUSTIFICATION/CONSISTENCY
<p>WATER AND AIR RESOURCES POLICY #41: Land use or development in the coastal area will not cause national or state air quality standards to be violated.</p>	<p>The air discharges from IP2 and IP3 are regulated under the Westchester County Department of Health (WCDOH), Chapter 873, Article XIII of the Laws of Westchester County, the ECL of New York State, and 6 NYCRR Parts 200-201 and 227. IP2 and IP3 have been issued Air State Facility permits (3-5522-00011/00026 and 3-5522-00105/00009) with permissible emissions, monitoring requirements, and other conditions that ensure that all emissions are in compliance with Article XIII of the WCDOH and Article 19: Air Pollution Control—Air State Facility Permit under the ECL. IP2 and IP3 are in compliance with its Air State Facility permit and are meeting all requirements and conditions set forth in the permit, and it is minimizing impacts to the air quality within the coastal area. The proposed activity is therefore consistent with this policy.</p>
<p>WATER AND AIR RESOURCES POLICY #42: Coastal management policies will be considered if the state reclassifies land areas pursuant to the prevention of significant deterioration regulations of the federal Clean Air Act.</p>	<p>The renewal of the IP2 and IP3 Operating Licenses would have no known impact if the state reclassifies land areas pursuant to the PSD regulations of the federal Clean Air Act. IP2 and IP3 have no plans for refurbishment or development as a part of the proposed activity; therefore the proposed activity is consistent with this policy.</p>
<p>WATER AND AIR RESOURCES POLICY #43: Land use or development in the coastal areas must not cause the generation of significant amounts of acid rain precursors: nitrates and sulfates.</p>	<p>IP2 and IP3 license renewal provides a vital role to meeting the power generation and energy needs of the State, and does so without the production of acid rain precursors, nitrates, or sulfates.</p>
WETLANDS POLICY	
<p>Wetlands Policy #44: Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.</p>	<p>IP2 and IP3 operations do not degrade the tidal wetlands in the area of the IP2 and IP3 facilities, no state or federal jurisdictional tidal or freshwater wetlands exist on the IP2 and IP3 property, and IP2 and IP3 have no plans for additional activities or development along the waterfront as a part of license renewal.</p>

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Table D-2 Federally-Listed Threatened or Endangered Species Possibly Occurring at IP2 and IP3, Westchester County, New York			
Common Name	Scientific Name	Federal Status*	State Status
Shortnose sturgeon	<i>Acipenser brevirostrum</i>	E	E
Bog turtle	<i>Glemmys muhlenbergii</i>	T	E
Bald eagle	<i>Haliaeetus leucocephalus</i>	T	T
Indiana bat	<i>Myotis sodalis</i>	E	E
Atlantic Sturgeon	<i>Acipenser oxyrinchus</i>	C	
New England cottontail rabbit	<i>Sylvilagus transitionalis</i>	C	
* E = Endangered; T = Threatened; C = Candidate species Source: USFWS, NYSDEC 2000, NYNHP 2006a, NYNHP 2006b, and NMFS.			

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<p align="center">Table D-3 Environmental Authorizations for Current IP2 and IP3 Operations</p>					
Agency	Authority	Requirement	Number	Expiration Date	Authorized Activity
NRG	Atomic Energy Act, 10 CFR 50	IP1 License to Possess	DPR-5	September 28, 2013	Maintain IP1 in SAFSTOR condition.
NRG	Atomic Energy Act, 10 CFR 50	IP2 License to Operate	DPR-26	September 28, 2013	Operation of IP2.
NRG	Atomic Energy Act, 10 CFR 50	IP3 License to Operate	DPR-64	December 12, 2015	Operation of IP3.
DOT	49 CFR 107, Subpart G	IP2 DOT Hazardous Materials Certificate of Registration	0627065520610Q	June 30, 2009	Radioactive and hazardous materials shipments.
DOT	49 CFR 107, Subpart G	IP3 DOT Hazardous Materials Certificate of Registration	0627065520690Q	June 30, 2009	Radioactive and hazardous materials shipments.
NYSDEC	6 NYCRR Part 325	IP2 Pesticide Application Business Registration	12696	April 30, 2009	Pesticide application.
NYSDEC	6 NYCRR Part 325	IP3 Pesticide Application Business Registration	13163	April 30, 2009	Pesticide application.
NYSDEC	6 NYCRR Parts 704 and 750	IP1, 2, and 3 SPDES Permit	NY 000 4472	October 1, 1992 ¹	Discharge of wastewaters and stormwaters to waters of the State.

¹ Timely renewal application was submitted; therefore, permit is administratively continued under New York State Administrative Procedures Act.

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Table D-3 Environmental Authorizations for Current IP2 and IP3 Operations					
Agency	Authority	Requirement	Number	Expiration Date	Authorized Activity
NYSDEC	6 NYCRR Part 704	Simulator Transformer Vault SPDES Permit	NY 025-0414	March 1, 2008	Discharge of wastewaters to waters of the State.
NYSDEC	6 NYCRR Part 704	Tank Farm SPDES Permit	NY 025-1135	February 1, 2010	Discharge of wastewaters to waters of the State.
NYSDEC	6 NYCRR Part 704	Buchanan Gas Turbine SPDES Permit	NY 022-4826	March 1, 2008	Discharge of wastewaters to waters of the State.
NYSDEC	6 NYCRR Part 750	ISFSI Stormwater SPDES General Permit for Construction Activities	NYR 10H166	Not Applicable	Stormwater Discharge during Construction of the Dry Fuel Cask Storage.
NYSDEC	6 NYCRR Parts 200 and 201	IP2 Air Permit	3-5522-00011/00026	Not Applicable	Operation of air emission sources (boilers, turbines, and generators).
NYSDEC	6 NYCRR Parts 200 and 201	IP3 Air Permit	3/5522-00105/00009	Not Applicable	Operation of air emission sources (boilers, turbines, and generators).
WCDOH	Chapter 873, Article XIII, Section 873.1306.1 of the Laws of Westchester County	IP2 Gas Turbine 1 Air Permit	#00021	December 31, 2006 ²	Operation of an air contamination source

² Timely renewal application was submitted; therefore permit is administratively continued by WCDOH.

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Table D-3 Environmental Authorizations for Current IP2 and IP3 Operations					
Agency	Authority	Requirement	Number	Expiration Date	Authorized Activity
WCDOH	Chapter 873, Article XIII, Section 873.1306.1 of the Laws of Westchester County	IP2 Gas Turbine 2 Air Permit	#00022	December 31, 2006 ²	Operation of an air contamination source
WCDOH	Chapter 873, Article XIII, Section 873.1306.1 of the Laws of Westchester County	IP2 Gas Turbine 3 Air Permit	#00023	December 31, 2006 ²	Operation of an air contamination source
WCDOH	Chapter 873, Article XIII, Section 873.1306.1 of the Laws of Westchester County	IP2 Boiler Permit	52-4493	Not Applicable	Operation of an air contamination source
WCDOH	Chapter 873, Article XIII, Section 873.1306.1 of the Laws of Westchester County	IP2 Vapor Extractor Air Permit	52-5682	December 31, 2006 ²	Operation of an air contamination source
WCDOH	Chapter 873, Article XIII, Section 873.1306.1 of the Laws of Westchester County	IP3 Boiler Permit	52-6497	Not Applicable	Operation of an air contamination source

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<p align="center">Table D-3 Environmental Authorizations for Current IP2 and IP3 Operations</p>					
Agency	Authority	Requirement	Number	Expiration Date	Authorized Activity
WCDOH	Chapter 873, Article XIII, Section 873.1306.1 of the Laws of Westchester County	IP3 Training Center Boiler Permit	52-6498	Not Applicable	Operation of an air contamination source
WCDOH	Chapter 873, Article XIII, Section 873.1306.1 of the Laws of Westchester County	IP3 Vapor Extractor Air Permit	-- ³	-- ³	Operation of an air contamination source
NYSDEC	6 NYCRR Part 596	IP2 Hazardous Substance Bulk Storage Registration Certificate	3-000107	September 4, 2007	Onsite bulk storage of hazardous substances.
NYSDEC	6 NYCRR Part 596	IP3 Hazardous Substance Bulk Storage Registration Certificate	3-000071	August 16, 2008	Onsite bulk storage of hazardous substances.
NYSDEC	6 NYCRR Part 610	IP2 Major Oil Storage Facility	3-2140	-- ⁴	Onsite bulk storage of > 400K gallons of petroleum products.
WCDOH	Westchester County Sanitary Code, Article XXV	IP3 Petroleum Bulk Storage Registration Certificate	3-166367	September 7, 2010	Onsite bulk storage of petroleum products.

³ Application has been submitted to WCDOH, but a permit has not been issued

⁴ Application has been submitted to NYSDEC, but a permit has not been issued

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<p align="center">Table D-3 Environmental Authorizations for Current IP2 and IP3 Operations</p>					
Agency	Authority	Requirement	Number	Expiration Date	Authorized Activity
NYSDEC	6 NYCRR Part 372	IP2 Hazardous Waste Generator Identification	NYD000765073	Not Applicable	Hazardous waste generation
NYSDEC	6 NYCRR Part 372	IP3 Hazardous Waste Generator Identification	NYD000765073	Not Applicable	Hazardous waste generation
NYSDEC	6 NYCRR Part 373	IP2 Hazardous Waste Part 373 Permit	NYD991304411	February 28, 2007	Accumulation and temporary onsite storage of mixed waste for > 90 days.
EPA	40 CFR 264	IP2 Hazardous Solid Waste Amendment Permit	NYD991304411	October 14, 2002 ⁵	Accumulation and temporary onsite storage of mixed waste for > 90 days.
EPA	40 CFR 264	IP3 Hazardous Solid Waste Amendment Permit	NYD085503746	October 17, 2001 ⁵	Accumulation and temporary onsite storage of mixed waste for > 90 days.
SCDHEC	Act No. 429 of 1980, South Carolina Radioactive Waste Transportation and Disposal Act	IP2 Radioactive Waste Transport Permit	0019-31-07	December 31, 2007	Transportation of radioactive waste into the State of South Carolina
		IP3 Radioactive Waste Transport Permit	0072-31-07	December 31, 2007	

⁵ Permit has been administratively continued based on conditional mixed waste exemption.

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Table D-3 Environmental Authorizations for Current IP2 and IP3 Operations					
Agency	Authority	Requirement	Number	Expiration Date	Authorized Activity
TDEC	Tennessee Department of Environment and Conservation Regulations	IP2 Radioactive Waste License for Delivery	T-NY-010-L07	December 31, 2007	Shipment of radioactive material into Tennessee to a disposal/processing facility
		IP3 Radioactive Waste License for Delivery	T-NY-005-L07	December 31, 2007	
		IP3 Radioactive Waste Disposal Permit	0072-31-07-X	December 31, 2007	
DOT: U.S. Department of Transportation EPA: Environmental Protection Agency NRC: U.S. Nuclear Regulatory Commission NYSDEC: New York State Department of Environmental Conservation SCDHEC: South Carolina Department of Health and Environmental Control TDEC: Tennessee Department of Environment and Conservation (Division of Radiological Health) WCDOH: Westchester County Department of Health					