

June 11, 2009

LICENSEE: Entergy Nuclear Operations, Inc.
FACILITY: Indian Point Nuclear Generating Unit Nos. 2 and 3
SUBJECT: SUMMARY OF TELEPHONE CONFERENCE CALL HELD ON MAY 11, 2009,
BETWEEN THE U.S. NUCLEAR REGULATORY COMMISSION AND
ENTERGY NUCLEAR OPERATIONS, INC., CONCERNING ENDANGERED
SPECIES ACT CONSULTATION DATA

The U.S. Nuclear Regulatory Commission (NRC or the staff) and representatives of Entergy Nuclear Operations, Inc., (Entergy) held a telephone conference call on May 11, 2009, to discuss NRC's need for data related to the endangered shortnose sturgeon (*Acipenser brevirostrum*) at Indian Point Nuclear Generating Unit Nos. 2 and 3. The call was initiated in response to the staff's review of data to be used in responding to a letter from the National Marine Fisheries Service.

Enclosure 1 provides a listing of the participants and Enclosure 2 contains a brief summary of the telephone conference.

The applicant had an opportunity to comment on this summary.

IRA

Andrew L. Stuyvenberg, Project Manager
Projects Branch 2
Division of License Renewal
Office of Nuclear Reactor Regulation

Docket Nos. 50-247 and 50-286

Enclosures:
As stated

cc w/encls: See next page

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Andrew L. Stuyvenberg, Project Manager
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*via telephone

OFFICE	PM:DLR:RPB2	LA:DLR	OGC	BC:DLR:RPB2
NAME	A. Stuyvenberg	S. Figueroa	S. Turk	D. Wrona
DATE	06/08/09	06/10/09	06/10/09 via phone	06/11/09

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Memorandum from A. Stuyvenberg to Entergy Nuclear Operations, Inc. dated June 11, 2009

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DWrona

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GMeyer, RI

KGreen

RConte, RI

AStuyvenberg

MGray, RI

JBoska

NMcNamara, RI

RAuluck

DScrenci, RI OPA

JDozier

NSheehan, RI OPA

MKowal

PCataldo, RI

STurk, OGC

GMalone, RI

BHarris, OGC

DJackson, RI

BMizuno, OGC

BWelling, RI

AJones, OGC

TKoonce, RI

DRoth, OGC

CHott, RI

ICouret, OPA

SBurnell, OPA

TMensah, OEDO

Indian Point Nuclear Generating
Unit Nos. 2 and 3

cc:

Senior Vice President
Entergy Nuclear Operations, Inc.
P.O. Box 31995
Jackson, MS 39286-1995

Vice President Oversight
Entergy Nuclear Operations, Inc.
P.O. Box 31995
Jackson, MS 39286-1995

Senior Manager, Nuclear Safety &
Licensing
Entergy Nuclear Operations, Inc.
P.O. Box 31995
Jackson, MS 39286-1995

Senior Vice President and COO
Entergy Nuclear Operations, Inc.
440 Hamilton Avenue
White Plains, NY 10601

Assistant General Counsel
Entergy Nuclear Operations, Inc.
440 Hamilton Avenue
White Plains, NY 10601

Manager, Licensing
Entergy Nuclear Operations, Inc.
Indian Point Energy Center
450 Broadway, GSB
P.O. Box 249
Buchanan, NY 10511-0249

Mr. Francis J. Murray
President and CEO
New York State Energy Research and
Development Authority
17 Columbia Circle
Albany, NY 12203-6399

Ms. Alyse Peterson
New York State Energy, Research and
Development Authority
17 Columbia Circle
Albany, NY 12203-6399

Mr. Paul Eddy
New York State Department
of Public Service
3 Empire State Plaza
Albany, NY 12223-1350

Regional Administrator, Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406

Senior Resident Inspector's Office
Indian Point 2 and 3
U.S. Nuclear Regulatory Commission
P.O. Box 59
Buchanan, NY 10511

Mr. Charles Donaldson, Esquire
Assistant Attorney General
New York Department of Law
120 Broadway
New York, NY 10271

Mayor, Village of Buchanan
236 Tate Avenue
Buchanan, NY 10511

Mr. Raymond L. Albanese
Four County Coordinator
200 Bradhurst Avenue
Unit 4 Westchester County
Hawthorne, NY 10532

Mr. William DiProffio
PWR SRC Consultant
48 Bear Hill Road
Newton, NH 03858

Mr. Garry Randolph
PWR SRC Consultant
1750 Ben Franklin Drive, 7E
Sarasota, FL 34236

Indian Point Nuclear Generating
Unit Nos. 2 and 3

- 2 -

cc:

Mr. William T. Russell
PWR SRC Consultant
400 Plantation Lane
Stevensville, MD 21666-3232

Mr. Jim Riccio
Greenpeace
702 H Street, NW
Suite 300
Washington, DC 20001

Mr. Phillip Musegaas
Riverkeeper, Inc.
828 South Broadway
Tarrytown, NY 10591

Mr. Mark Jacobs
IPSEC
46 Highland Drive
Garrison, NY 10524

Mr. R. M. Waters
Technical Specialist Licensing
450 Broadway
P.O. Box 0249
Buchanan, NY 10511-0249

The Honorable Nita Lowey
222 Mamaroneck Avenue, Suite 310
White Plains, NY 10605

Mr. John Sipos
Assistant Attorney General
New York State Department of Law
Environmental Protection Bureau
The Capitol
Albany, NY 12224

Ms. Kathryn M. Sutton, Esq.
Morgan, Lewis & Bockius, LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004

Mr. Paul M. Bessette, Esq.
Morgan, Lewis & Bockius, LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004

Mr. Martin J. O'Neill, Esq.
Morgan, Lewis & Bockius, LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004

Mr. William J. Ryan, Chairman
Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue
White Plains, NY 10601

Mr. Thomas J. Abinanti, Chair
Committee on Environment & Energy
Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue
White Plains, NY 10601

Mr. Michael B. Kaplowitz, 4th District
Legislator
Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue
White Plains, NY 10601

Mr. Jerry Nappi
New York Affordable Reliable Electricity
Alliance
707 Westchester Avenue, Suite 302
White Plains, NY 10604

Ms. Susan Thaler
The Field Library
4 Nelson Avenue
Peekskill, NY 10566

Ms. Patricia Thorsen
White Plains Public Library
100 Martine Avenue
White Plains, NY 10601

Indian Point Nuclear Generating
Unit Nos. 2 and 3

- 3 -

cc:

Ms. Risa Getman
Hendrick Hudson Free Library
185 Kings Ferry Road
Montrose, NY 10548

Ms. Sunny Armev
Raging Grannies
221 Cleveland Drive
Croton-on-Hudson, NY 10520

Mr. Mark Bartelini
14 Steiner Drive
Mahopac, NY 10541

Ms. Norva Butler
Entergy
844 Midwood Street
Brooklyn, NY 11203

Mr. Patrick Canino
NYPIRG
SUB 322
1 Hawk Drive
New Paltz, NY 12561

Mr. Ron Carpino
Entergy
6206 Villa at the Woods
Peekskill, NY 10566

Mr. Mark Cooperman
8 Perry Street
Cortlandt Manor, NY 10567

Mr. Charlie Donaldson
NY State Attorney General's Office
120 Broadway
New York, NY 10271

Mr. Joseph E. Dullea
Local 21 Plumbers and Steamfitters
1865 Route 9, Unit A
Garrison, NY 10524

Ms. Marilyn Elie
West CAN
2A Adnam Ct.
Cortlandt Manor, NY 10567

Mr. Richard J. Garb
112 Eaton Downs
Cortlandt Manor, NY 10567

Mr. Stephen Gescheidle
Local 21
34 Homer Place
Poughkeepsie, NY 12603

Ms. Karin Greenfield-Sanders
Putnam Valley Comprehensive Plan
Committee
116 West Shore Drive
Putnam Valley, NY 10579

Mr. Everton H. Henriquez
296 Vineyard Ave
Highland, NY 12528

Mr. Roy Johnson
NYSDEC
625 Broadway
Albany, NY 12233

Mr. Michael Kelleher
Local 21
13 Hemlock Drive
Mohopac, NY 10541

Mr. John Kelly
Entergy
5 Parkwood Drive
Garnerville, NY 10923

Mr. James Knubel
14 Angela Drive
Putnam Valley, NY 10579

Indian Point Nuclear Generating
Unit Nos. 2 and 3

- 4 -

cc:

Ms. Susan Likes & Mr. Phillip Likes
325 Oscawna Lake Rd.
Putnam Valley, NY 10579

Mr. Bill Mahlmeister
Entergy
3H Alpine Drive
Wappingers Falls, NY 12590

Mr. John McCrudden
Local 21
19 Lincoln Road
Putnam Valley, NY 10579

Mr. Norris McDonald
African American Environmental
Association
9903 Caltor Lane
Ft. Washington, MD 20744

Mr. Joseph Mitrione
Local 21
1304 Midland Ave
Yonkers, NY 10704

Mr. Alan Nelson
NEI
1776 I Street, NW
Washington, DC 20006

Mr. Michael Otis
SUNY New Paltz
REH 201
1 Hawk Drive
New Paltz, NY 12561

Mr. Taylor Palmer
U.S. Representative Cowey
222 Manaroneck Ave, Suite 316
White Plains, NY 10605

Mr. Bob Philip
Local 21
283 Roberts Ave.
Yonkers, NY 10703

Ms. Marie Quintin
Pace Litigation Clinic
405 E. 77th Street #4
New York, NY 10021

Mr. Angelo Raniolo
Local 21
131 Remsen Road
Yonkers, NY 10710

Mr. Paul G. Richards
Columbia University
Lamont-Doherty Earth Observatory
Route 9W
Palisades, NY 10964-8000

Mr. Gerald Richards
Local 21 Plumbers and Steamfitters
431 Sidney Ave.
Mount Vernon, NY 10553

Mr. Glenn Rickles
Riverkeeper
106 Benedict Road
Croton, NY 10520

Ms. Audrey Roberts
Raging Grannies
420 Blinn Road
Croton-on-Hudson, NY 10520

Ms. Maureen Ritter
Rockland FUSE
46 Campbell Ave.
Suffern, NY 10901

Ms. Joy Rosenzweg
Office of Assemblyman Adam Bradley
4 New King Street
White Plains, NY 10604

Ms. Laura Seltz
2 Brook Trail
Croton-on-Hudson, NY 10520

Indian Point Nuclear Generating
Unit Nos. 2 and 3

- 5 -

cc:

Mr. Gary Shaw
IPSEC
9 Van Cortlandt Pl.
Croton-on-Hudson, NY 10520

Amanda Sisenstein
NYPIRG
SUB 322
1 Hawk Drive
New Paltz, NY 12561

Mr. Jeff Tkais
Town of Cortlandt
Town Hall
1 Heady St.
Cortlandt Manor, NY 10567

Mr. Larry Wilson
NYSDEC
625 Broadway
Albany, NY 12233

Ms. Helen Yaroscak-Lanzotti
50 Buckingham Drive
Yorktown Heights, NY 10598

Ms. Hilda
Candlewood Suites
20 Overlook Blvd.
Nanuet, NY 10954

Mr. Sherwood Martinelli
351 Dyckman
Peekskill, NY 10566

Ms. Susan Shapiro, Esq.
21 Perlman Drive
Spring Valley, NY 10977

Mr. Robert Snook
Assistant Attorney General
Office of the Attorney General
State of Connecticut
55 Elm Street
P.O. Box 120
Hartford, CT 06141-0120

Ms. Joan Leary Matthews
Senior Counsel for Special Projects
Office of General Counsel
NYS Department of Environmental
Conservation
625 Broadway
Albany, NY 12233-5500

Ms. Danieala Nieto
Air Program Coordinator and Acting
Director
Delaware Nation of Oklahoma
Environmental Programs
P.O. Box 825
Anadarko, OK 73005

Ms. Jessica Steinberg, J.D.
Sivc, Paget & Riesel, P.C.
460 Part Avenue
New York, NY 10022

TELEPHONE CONFERENCE CALL
INDIAN POINT NUCLEAR GENERATING UNIT NOS. 2 AND 3
LICENSE RENEWAL APPLICATION

LIST OF PARTICIPANTS
MAY 11, 2009

PARTICIPANTS

AFFILIATIONS

Dennis Logan	Nuclear Regulatory Commission (NRC)
Drew Stuyvenberg	NRC
Briana Balsam	NRC
Jeffrey Ward	NRC
Valerie Cullinan	NRC
Dara Gray	Entergy Nuclear Operations, Inc. (Entergy)
Jill Legace	Entergy
Mark Mattson	Entergy
Lawrence Barnthouse	Entergy

TELEPHONE CONFERENCE CALL
INDIAN POINT NUCLEAR GENERATING UNIT NOS. 2 AND 3
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TELECONFERENCE SUMMARY
MAY 11, 2009

The U.S. Nuclear Regulatory Commission (NRC) staff and representatives of Entergy Nuclear Operations, Inc. (Entergy) held a telephone conference call on May 11, 2009, to discuss shortnose sturgeon impingement data, as well as to determine whether Entergy can provide additional information that will be responsive to information needs identified by the National Marine Fisheries Service (NMFS) in its February 12, 2009, letter regarding an Endangered Species Act consultation.

NRC staff indicated that they had identified apparent discrepancies in shortnose sturgeon impingement data that Entergy had reported to the NRC. The data Entergy sent to the NRC as part of its comments on NUREG-1437, Supplement 38, were inconsistent with numbers Entergy reported earlier and were inconsistent with numbers reported by NMFS. The underlying issue is whether the sturgeon count data supplied to the NRC in the Indian Point data files represent an annual census of the total number of sturgeon impinged, or whether these data are a sample of the sturgeon impinged on fewer than 365 days of each year. Specifically, the NRC staff noted that the data Entergy had reported to the NRC from certain years appeared to be multiplied by the days of sampling in those years, when the data represented a total census and no multiplication by the number of days in the sampling period was needed. Entergy staff agreed that this appeared to be an error and that the NRC staff could correct its sturgeon impingement data by dividing the numbers that Entergy reported to the NRC in certain years by the numbers of days sampled in those years. Entergy staff said that the same correction should be applied to impingement data for other species as well and that the error did not extend to other types of data, such as entrainment.

NRC staff indicated that additional information was needed to identify the dates on which shortnose sturgeon had been impinged and the length, weight, condition, and disposition of each impinged fish in the historical impingement data, if possible. Entergy reiterated that previous plant owners had captured sturgeon in some years both as part of the fish sampling program conducted on random days as well as outside the sampling program. Sturgeon captures were recorded by previous plant owners in a "sturgeon log." Entergy staff indicated they would attempt to produce the records from the sturgeon log as well as the electronic data files and indicated that they would provide the NRC staff with a table of actual sturgeon impingement as well as estimated impingement based on sampling results in various years.

In addition to a table of actual and estimated sturgeon impingements, Entergy indicated that they would supply several other data items to address requests from NMFS. These include:

1. The number of days sampled for sturgeon impingement in each year, 1975 through 1990.
2. Data for years when no sturgeon were reported as impinged that will indicate whether the results were due to Entergy's predecessor's not sampling for sturgeon or whether the monitoring program didn't find any sturgeon.
3. An attempt to find data on the specific dates of sturgeon impingements.

4. An attempt to find data on the length, weight, condition, and disposition of impinged sturgeons. Where such data are not in the electronic data files, the plant's sturgeon log likely contains this information.

Entergy confirmed that it has no impingement or entrainment data collected more recently than 1990. Entergy committed to deliver all information to the NRC staff by mid-June 2009, and indicated that NRC would not need to formally request the information.