



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

November 29, 2010

LICENSEE: Entergy Nuclear Operations, Inc.

FACILITY: Indian Point Nuclear Generating Unit Nos. 2 and 3

SUBJECT: SUMMARY OF TELEPHONE CONFERENCE CALL HELD ON OCTOBER 1, 2010, BETWEEN THE U.S. NUCLEAR REGULATORY COMMISSION AND NATIONAL MARINE FISHERIES SERVICE REGARDING THE ESSENTIAL FISH HABITAT ASSESSMENT FOR THE PROPOSED INDIAN POINT LICENSE RENEWAL

The U.S. Nuclear Regulatory Commission (NRC or the staff) and the National Marine Fisheries Service (NMFS) staff held a telephone conference call on October 1, 2010, to discuss NRC's Essential Fish Habitat (EFH) assessment for the proposed license renewal of Indian Point Nuclear Generating Unit Nos. 2 and 3.

Enclosure 1 provides a participant list and Enclosure 2 provides a teleconference summary.

On April 30, 2009, NRC staff issued its EFH assessment, but did not receive a response from NMFS. On September 21, 2010, NRC staff issued a letter to NMFS (ML092860253) to indicate that NRC considered that it had fulfilled its consultation obligations. NRC staff requested that NMFS respond within 15 days if it had any consultation comments. NMFS contacted NRC to indicate the letter had arrived on September 27 and requested that NRC staff allow 15 days from date of receipt to respond. NRC staff agreed to accept a response from NMFS by October 13, 2010. NMFS responded on October 12, 2010 (ML102930012).

A handwritten signature in black ink, appearing to read "Andrew Stuyvenberg".

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

Docket Nos. 50-247 and 50-286

Enclosure:  
As stated

cc w/encl: Distribution via Listserv

**TELEPHONE CONFERENCE CALL  
INDIAN POINT NUCLEAR GENERATING UNIT NOS. 2 AND 3  
ESSENTIAL FISH HABITAT ASSESSMENT FOR PROPOSED LICENSE RENEWAL**

**LIST OF PARTICIPANTS  
OCTOBER 1, 2010**

**PARTICIPANTS**

Diane Rusanowsky  
Dennis Logan  
Andy Imboden  
Andrew Stuyvenberg

**AFFILIATIONS**

National Marine Fisheries Service  
U.S. Nuclear Regulatory Commission (NRC)  
NRC  
NRC

**TELEPHONE CONFERENCE CALL  
INDIAN POINT NUCLEAR GENERATING UNIT NOS. 2 AND 3  
ESSENTIAL FISH HABITAT ASSESSMENT FOR PROPOSED LICENSE RENEWAL**

**SUMMARY OF TELEPHONE CONFERENCE CALL  
OCTOBER 1, 2010  
2:30pm EDT**

NRC staff provided a brief overview of the history of NRC's consultation with National Marine Fisheries Service (NMFS) in the Indian Point proceeding, and indicated that NRC staff was available to facilitate an expedited review of Essential Fish Habitat (EFH) for the proposed renewal of Indian Point Nuclear Generating Unit Nos. 2 and 3 (Indian Point 2 and 3).

NMFS requested that NRC provide any updated information that NRC staff developed in response to Entergy's November 2009 aquatic data submittal (ML093420528). NRC staff indicated they had developed an update to Table 6 from the EFH assessment and that they would convey the updated table and a copy of Entergy's updated data. (NRC conveyed Table 6 via e-mail after the conference call, and included the ADAMS accession number for Entergy's data submission in the e-mail.)

NMFS expressed several concerns to NRC staff about NRC's EFH assessment. NMFS indicated that it was looking for explicit direct, indirect, and cumulative EFH impact assessments, but did not see a clear breakdown of those impact categories. NMFS also expressed concerns about a lack of analysis of sub-populations of fishes. NMFS indicated that NRC staff should convey any additional information on diadromous fishes that may have arrived since publication of the EFH assessment. NRC staff indicated that information related to indirect and cumulative impacts to Hudson River fishes were in the body of the draft SEIS, and pointed out specific locations for that information.

Finally, NMFS indicated that it would be considering potential mitigation options for effects to EFH. NRC staff indicated that authority to require modifications to Indian Point's cooling system for the purposes of protecting aquatic life were generally under the authority of New York State, and that the NRC role in regulating such modifications has been limited to reviewing them if or when they would have an effect on nuclear safety. NRC staff indicated that NRC had required cooling towers in initial Indian Point 2 and 3 licensing, though changes to the Clean Water Act in the 1970s transferred that authority to the U.S. Environmental Protection Agency (EPA), which EPA then delegated to New York State. Then, in 1980, the Hudson River Settlement Agreement allowed Indian Point 2 and 3 to continue operating without installing cooling towers.

NRC staff indicated that they would be available as necessary to respond to any NMFS questions or concerns after the teleconference, and NMFS indicated that some additional correspondence may be necessary.

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

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ADAMS Accession No. **ML103010060**

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NAME	lKing	DLogan	AStuyvenberg	Almboden	DWrona	AStuyvenberg (Signature)
DATE	11/4/10	11/08/10	11/09/10	11/09/10	11/10/10	11/29/10

OFFICIAL RECORD COPY

Memorandum to Entergy Nuclear Operations, Inc. from A. Stuyvenberg dated November 29, 2010

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