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Fred Dacimo
Vice President
License Renewal

NL-11-024

March 1, 2011

Mr. Andrew Stuyvenberg
NRC Environmental Project Manager
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

SUBJECT: Endangered Species Act Consultation
Indian Point Nuclear Generating Unit Nos. 2 & 3
Docket Nos. 50-247 and 50-286
License Nos. DPR-26 and DPR-64

REFERENCE:

1. NRC Letter dated December 10, 2010, "Revised Biological Assessment for License Renewal of the Indian Point Nuclear Generating Plant, Unit No. 2 and 3" (ADAMS No. ML102990043)
2. NRC E-mail dated January 20, 2011, "Inquiry Regarding Proposed Indian Point License Renewal and ESA Consultation" (ADAMS No. ML110200539) (Added to ADAMS on February 18, 2011)
3. NMFS Letter dated December 16, 2010, "Biological Assessment for License Renewal of the Indian Point Nuclear Generating Unit Nos. 2 and 3" (ADAMS no. ML110550751) (Added to ADAMS on February 24, 2011)

Dear Sir:

The purpose of this letter is to formally notify the Nuclear Regulatory Commission ("NRC") that Entergy Nuclear Operations, Inc., Entergy Nuclear Indian Point Unit 2, LLC, and Entergy Nuclear Indian Point Unit 3, LLC (together, "Entergy") intend to participate in the formal consultation and conference process between NRC and the National Marine Fisheries Service ("NMFS") conducted pursuant to Section 7 of the Endangered Species Act as it relates to license renewal of Indian Point Units 2 and 3 ("IP2" and "IP3," collectively "IPEC"). Entergy also requests expedited consideration of a 45-day extension of the consultation process.

By letter dated December 10, 2010, the NRC sent NMFS a revised biological assessment associated with IPEC license renewal, but the NRC did not, in that letter, request initiation of formal consultation (Ref. 1). NRC also did not notify Entergy that the formal consultation process had begun or offer Entergy the opportunity to submit information for consideration during the consultation process pursuant to 50 CFR 402.14(d). On February 18, 2011,

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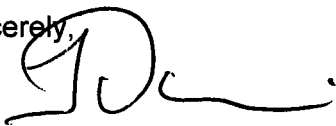
however, NRC made public an e-mail dated January 20, 2011, between NRC and NMFS indicating that NMFS had sufficient information to initiate formal consultation, and that NMFS planned to issue the final biological opinion by April 30, 2011 (Ref. 2). Subsequently, on February 24, 2011, the NRC made public a letter dated February 16, 2011, from NMFS to the NRC indicating that formal consultation began on December 16, 2010, when NMFS received the NRC's biological assessment, that the consultation will conclude within 90 days of initiation, and confirming that NMFS will deliver its biological opinion by April 30, 2011, unless the consultation is extended (Reference 3).

As noted above, pursuant to 50 CFR 402.14(d), NRC must provide Entergy with the opportunity to submit information for consideration during the formal consultation period. However, because Entergy only very recently learned that formal consultation likely began approximately 60 days ago, Entergy requests a 45-day extension of the consultation period in accordance with 50 CFR 402.14(e), in order to provide Entergy with sufficient notice and time to exercise its rights with regard to the consultation process. Commensurate with this request, and to assist NRC in providing NMFS with the best scientific and commercial data available, Entergy proposes to submit relevant information to NMFS through the NRC on or before April 30, 2011. The due date for the final biological opinion would then be June 14, 2011, unless the NRC and NMFS agree to a further extension. Entergy requests that the NRC and NMFS seek its approval in accordance with 50 CFR 402.14(e) for any extension beyond June 29, 2011.

In accordance with 50 CFR 402.14(g)(5), Entergy also asks that NRC request that NMFS make the draft biological opinion available to the NRC, and that NRC provide Entergy with a copy of the draft biological opinion upon issuance, as well as the opportunity to review and comment on the draft opinion. As specified in the regulations, Entergy would then submit its comments on the draft biological opinion to NMFS through the NRC. Entergy also requests disclosure of all past and future non-privileged communications between NRC and NMFS concerning the consultation. Finally, Entergy requests that NRC facilitate a meeting or teleconference with Entergy and NMFS at least two weeks prior to April 30, 2011 to allow discussion of the information and comments Entergy plans to submit as part of the consultation process.

Entergy looks forward to participating in the consultation process and again requests prompt consideration of Entergy's extension request. Should the NRC or NMFS require additional information or have any questions, please contact Dara Gray at (914) 736-8414.

Sincerely,



FRD/cbr

cc: U.S. Nuclear Regulatory Commission Document Control Desk
Mr. William Dean, Regional Administrator, NRC Region I
Mr. John Boska, NRR Senior Project Manager
Mr. Paul Eddy, New York State Department of Public Service
NRC Resident Inspector's Office
National Marine Fisheries Service
OGC