

March 16, 2011

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
ENTERGY NUCLEAR OPERATIONS, INC.) Docket Nos. 50-247-LR/286-LR
)
(Indian Point Nuclear Generating)
Units 2 and 3))

SUPPLEMENT TO
NRC STAFF'S ANSWER TO RIVERKEEPER, INC.'S
MOTION FOR LEAVE TO FILE A NEW CONTENTION,
AND NEW CONTENTION EC-8 CONCERNING NRC STAFF'S
FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT

On March 7, 2011, the staff of the U.S. Nuclear Regulatory Commission ("Staff") filed its answer¹ to Contention EC-8, which had been filed by Riverkeeper, Inc. ("Riverkeeper") on February 3, 2011, regarding the NRC's compliance with Section 7 of the Endangered Species Act ("ESA").² In that Answer, the Staff presented, *inter alia*, a summary of its communications with the National Marine Fisheries Service ("NMFS") and the Applicant, Entergy Nuclear Operations, Inc. ("Entergy"), concerning ESA protected species; in addition, the Staff attached to its Answer copies of communications it has had with NMFS and Entergy regarding this issue.³

The Staff wishes to inform you that NMFS has extended the date for completion of formal consultations, to accommodate Entergy's March 1, 2011 request to participate in the

¹ "NRC Staff's Answer To Riverkeeper, Inc.'s Motion For Leave To File A New Contention, and New Contention EC-8 Concerning NRC Staff's Final Supplemental Environmental Impact Statement" (March 7, 2011) ("Answer").

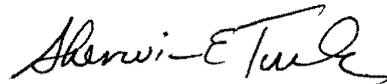
² "Riverkeeper, Inc. Consolidated Motion for Leave to File a New Contention and New Contention Concerning NRC Staff's Final Supplemental Environmental Impact Statement" (Feb. 3, 2011) ("Petition").

³ See Answer at 9-10, and Attachments B-J thereto.

consultation process. Attached hereto is a copy of a letter from Patricia A. Kurkul (NMFS) to David J. Wrona (NRC), dated March 16, 2011, extending the date for completion of formal consultations under the ESA. As indicated therein, the expected completion date of formal consultations has been extended to May 15, 2011, and the expected issuance date of NMFS' Biological Opinion has been extended to June 29, 2011, unless further extended.

The Staff requests that the attached letter be considered as a supplement to the information provided in the Staff's Answer. See Answer at 10. In accordance with the Board's Scheduling Order of July 1, 2010, the Staff has consulted with a representative of Riverkeeper and Counsel for Entergy. Neither of those parties opposes this request.

Respectfully submitted,

A handwritten signature in black ink that reads "Sherwin E. Turk". The signature is written in a cursive style with a long, sweeping underline.

Sherwin E. Turk
Counsel for NRC Staff

Dated at Rockville, MD
this 16th day of March, 2011



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
55 Great Republic Drive
Gloucester, MA 01930-2276

MAR 16 2011

David J. Wrona, Branch Chief
Projects Branch 2
Division of License Renewal
Office of Nuclear Reactor Program
US Nuclear Regulatory Commission
Washington, DC 20555-0001

RE: Extension of Consultation Period - License Renewal of the Indian Point Nuclear Generating Plant, Units Nos. 2 and 3

Dear Mr. Wrona:

This correspondence is in regards to the ongoing formal consultation pursuant to Section 7 of the Endangered Species Act (ESA) of 1973, as amended, for the proposed renewal by the US Nuclear Regulatory Commission (NRC) of the Indian Point Nuclear Generating Unit Nos. 2 and 3 (IP2 and IP3) operating licenses. Consultation between NOAA's National Marine Fisheries Service (NMFS) and the NRC was initiated on December 16, 2010. As outlined in a letter from NMFS to NRC dated February 16, 2011, the 90-day consultation period expires on March 16, 2011, and a Biological Opinion is due to NRC on April 30, 2011. In a letter dated March 1, 2011, the applicant, Entergy Nuclear Northeast (Entergy) requested that the consultation period be extended so that Entergy could provide additional information to NMFS for consideration in the consultation and development of the Biological Opinion to be produced by NMFS. NRC staff discussed this letter with NMFS in telephone conversations on March 9 and March 11, 2011. Entergy has indicated that the additional information would be transmitted to NMFS and NRC by April 30, 2011 and that Entergy will be requesting a meeting between NMFS, NRC and Entergy in mid-April.

Due to the anticipated receipt of new information as well as the need to review this information and incorporate it, as appropriate, into the ongoing analysis of effects of the proposed relicensing on listed species, NRC and NMFS are in agreement that the consultation period should be extended in accordance with 50 CFR 402.14(e). NRC has proposed an extension of 60 days to accommodate the anticipated receipt of additional information from Entergy by April 30, 2011 and a two-week review period following this date. This extension would have the consultation period end on May 15, 2011, and a Biological Opinion issued by NMFS to NRC by June 29, 2011. However, as discussed between NRC and NMFS on the above referenced telephone calls, depending on the type and extent of information provided by Entergy, the consultation period may need to be further extended. It is anticipated that a determination as to whether an



additional extension of time would be necessary would be made by NMFS in consultation with NRC and Entergy before May 15, 2011.

If you have any questions or concerns about this consultation or the consultation process in general, please feel free to contact Julie Crocker of my staff at (978) 282-8480. We look forward to continuing to work with your office during the formal consultation process.

Sincerely,



Patricia A. Kurkul
Regional Administrator

cc: Crocker, F/NER3
Rusanowsky-- F/NER4
Stuyvenberg, Logan - NRC

File Code: Sec 7 NRC Indian Point Nuclear Plant Relicensing
PCTS: F/NER/2009/00619

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In the Matter of)
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ENTERGY NUCLEAR OPERATIONS, INC.) Docket Nos. 50-247-LR/286-LR
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "SUPPLEMENT TO NRC STAFF'S ANSWER TO RIVERKEEPER, INC.'S MOTION FOR LEAVE TO FILE A NEW CONTENTION, AND NEW CONTENTION EC-8 CONCERNING NRC STAFF'S FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT," dated March 16, 2011, have been served upon the following through deposit in the NRC's internal mail system, with copies by electronic mail, as indicated by an asterisk, or by deposit in the U.S. Postal Service, as indicated by double asterisk, with copies by electronic mail, this 16th day of March, 2011:

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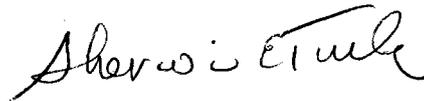
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