



OFFICE OF THE  
GENERAL COUNSEL

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

October 17, 2011

Lawrence G. McDade, Chair  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
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Administrative Judge  
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Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
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In the Matter of  
ENTERGY NUCLEAR OPERATIONS, INC.  
(Indian Point Nuclear Generating Unit Nos. 2 and 3)  
Docket Nos. 50-247-LR/286-LR

Dear Administrative Judges:

The NRC Staff ("Staff") wishes to inform you that the National Marine Fisheries Service ("NMFS") has issued a Biological Opinion ("BO") regarding the effects of license renewal of Indian Point Nuclear Generating Units 2 and 3 ("IP2" and "IP3") on the shortnose sturgeon. Enclosed is a copy of NMFS' BO, dated October 14, 2011, and a letter from Patricia A. Kurkul (NMFS) to David J. Wrona (NRC), dated October 14, 2011, transmitting the BO to the Staff.

In its BO, NMFS concluded that operation of IP2 and IP3 during the period of extended operation may adversely affect, but is not likely to jeopardize the continued existence of endangered shortnose sturgeon. The BO includes an Incidental Take Statement ("ITS"), setting forth the "amount or extent of take" permitted during the period of extended operation, along with "reasonable and prudent measures" and related "terms and conditions," as set forth at pages 61-67 of the BO.

The issuance of NMFS' BO concludes the Staff's consultation with NMFS, under Section 7 of the Endangered Species Act of 1973, as amended, regarding the effects of IP2/IP3 license renewal on the shortnose sturgeon. The Staff is reviewing the BO in accordance with 10 C.F.R.

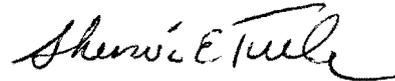
Judge McDade  
Judge Lathrop  
Judge Wardwell

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§ 51.92, to determine whether it warrants issuance of a Supplement to the Final Supplemental Environmental Impact Statement for license renewal of IP2 and IP3.

Sincerely,

A handwritten signature in black ink, appearing to read "Sherwin E. Turk". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Sherwin E. Turk  
Counsel for NRC Staff

cc w/ Encls.: EIE Service List