



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

March 15, 2018

Mr. Anthony Vitale
Site Vice President
Entergy Nuclear Operations, Inc.
Indian Point Energy Center
450 Broadway, GSB
Buchanan, NY 10511-0249

SUBJECT: TRANSMITTAL OF THE NATIONAL MARINE FISHERIES SERVICE'S
FEBRUARY 9, 2018, REVISED INCIDENTAL TAKE STATEMENT FOR INDIAN
POINT NUCLEAR GENERATING UNIT NOS. 2 AND 3 LICENSE RENEWAL

Dear Mr. Vitale:

Pursuant to Section 7 of the Endangered Species Act of 1973, as amended (ESA), and by letter dated November 27, 2017,¹ the U.S. Nuclear Regulatory Commission (NRC) staff requested that the National Marine Fisheries Service (NMFS) revise the incidental take statement (ITS) for Indian Point Nuclear Generating Unit Nos. 2 and 3 (IP2 and IP3) contained in the NMFS's January 30, 2013, biological opinion.² The NRC staff requested revision of the ITS to reflect current information concerning the early retirements of IP2 and IP3; the current condition of the Indian Point Nuclear Generating Unit No. 1 trash racks; and monitoring plans for the various components of the IP2 and IP3 cooling water intake structures (i.e., the forebays, IP2 and IP3 trash racks, and IP2 and IP3 Ristroph screens). The NRC staff's letter also requested the NMFS's concurrence with the staff's "not likely to adversely affect" determination for Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*) critical habitat. Consultation between the NRC and the NMFS continued following the NRC staff's request until February 9, 2018.

Consultation between the NRC and the NMFS under ESA Section 7 concluded on February 9, 2018, with the NMFS's issuance of a revised ITS for IP2 and IP3.³ The revised ITS replaces the ITS in the NMFS's January 30, 2013, biological opinion. The NMFS transmitted an electronic copy of the revised ITS to the NRC and representatives of Entergy Nuclear Indian Point 2, LLC; Entergy Nuclear Indian Point 3, LLC; and Entergy Nuclear Operations, Inc. (collectively,

¹ U.S. Nuclear Regulatory Commission. Letter from B. Beasley, NRC, to K. Damon-Randall, NMFS. Subject: Request for amended incidental take statement and concurrence with "not likely to adversely affect" determination for Atlantic sturgeon critical habitat related to IP2 and IP3 license renewal. November 27, 2017. Agencywide Documents Access and Management System (ADAMS) Accession No. [ML17306A100](#).

² National Marine Fisheries Service. Biological Opinion for Continued Operations of the Indian Point Nuclear Generating Unit Nos. 2 and 3, Pursuant to Existing and Proposed Renewed Operating Licenses. January 30, 2013. 163 p. ADAMS Accession No. [ML13032A256](#).

³ National Marine Fisheries Service. Letter from M. Pentony, NMFS, to B. Beasley, NRC. Subject: Revised incidental take statement for IP2 and IP3 and concurrence with "not likely to adversely affect" determination for Atlantic sturgeon critical habitat. February 9, 2018. ADAMS Accession No. ML18051A316.

“Entergy”) on February 9, 2018. The NMFS’s transmittal letter and the revised ITS are enclosed.

The revised ITS reflects the best available information to identify the incidental take of shortnose (*Acipenser brevirostrum*) and Atlantic sturgeon that is reasonably certain to occur during the proposed IP2 and IP3 license renewal term. The revised ITS also includes Reasonable and Prudent Measures that the NMFS has determined to be necessary or appropriate to minimize the amount or extent of incidental take and associated Terms and Conditions, which are non-discretionary and implement the Reasonable and Prudent Measures.

Regarding Atlantic sturgeon critical habitat, the NMFS’s transmittal letter concludes that for the purposes of ESA Section 7(a)(2), all effects would be insignificant or discountable and that the effects of the action are not likely to adversely affect critical habitat designated for the New York Bight Distinct Population Segment of Atlantic sturgeon.

As part of its license renewal review, the NRC will develop a license condition related to the biological opinion and revised ITS for incorporation into the renewed licenses, if issued. The staff will be in communication with the appropriate Entergy representatives regarding the development of this condition.

If you have any questions regarding this letter, please contact Ms. Briana Grange, Biologist, of my staff at 301-415-1042 or by e-mail at briana.grange@nrc.gov.

Sincerely,

/RA/

Benjamin Beasley, Chief
Environmental Review and NEPA Branch
Division of Materials and License Renewal
Office of Nuclear Reactor Regulation

Docket Nos. 50-247 and 50-286

Enclosure:

Revised Incidental Take Statement (ADAMS Accession No. ML18051A316)

SUBJECT: TRANSMITTAL OF THE NATIONAL MARINE FISHERIES SERVICE'S
FEBRUARY 9, 2018, REVISED INCIDENTAL TAKE STATEMENT FOR INDIAN
POINT NUCLEAR GENERATING UNIT NOS. 2 AND 3 LICENSE RENEWAL

DISTRIBUTION:

E-MAIL:

PUBLIC

EndangeredSpecies Resources
RidsNrrDmlrMenb Resource
RidsNrrPMIndianPoint Resource
RidsOgcMailCenter Resource

BGrange
MMoser
BBeasley
WBurton
EOesterle
STurk, OGC
DRoth, OGC
BHarris, OGC
SBurnell, OPA
DMcIntyre, OPA
NSheehan, RI OPA
DScrenci, RI OPA
JWeil, OCA
MGray, RI
GDentel, RI
DonaldJackson, RI
MModes, RI
DTift, RI
BHaagensen, RI
GNewman, RI
SRich, RI

Julie Crocker, NMFS (julie.crocker@noaa.gov)
Julie Williams, NMFS (julie.williams@noaa.gov)
Dara Gray, Entergy (dgray@entergy.com)
Elise Zoli, Goodwin Procter (ezoli@goodwinlaw.com)

ADAMS Accession Nos. ML18051A978 (package) and ML18051A980 (document)

***concurring via email**

OFFICE	AB:MENB:DMLR	LA:MRPB:DMLR	OGC:NLO	BC:MENB:DMLR
NAME	BGrange	YEdmonds	STurk	BBeasley
DATE	3/13/18	2/05/18	3/07/18	3/15/18

OFFICIAL RECORD COPY