



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

July 1, 2015

David Stilwell
Field Supervisor
U.S. Fish and Wildlife Service
New York Field Office
3817 Luker Road
Cortland, NY 13045

SUBJECT: REQUEST FOR CONCURRENCE WITH THE U.S. NUCLEAR REGULATORY COMMISSION'S DETERMINATION THAT LICENSE RENEWAL OF INDIAN POINT NUCLEAR GENERATING UNITS NOS. 2 AND 3 IS NOT LIKELY TO ADVERSELY AFFECT THE NORTHERN LONG-EARED BAT OR INDIANA BAT

Dear Mr. Stilwell:

With this letter, the U.S. Nuclear Regulatory Commission (NRC; the staff) is forwarding you a copy of the biological assessment the staff has prepared to support the NRC's review of the application submitted by Entergy Operations, Inc. (Entergy) for renewal of Facility Operating Licenses DPR-26 and DPR-64 for an additional 20 years at Indian Point Nuclear Generating Units 2 and 3 (IP2 and IP3) and to comply with the provisions of section 7 of the Endangered Species Act of 1973, as amended (ESA). The biological assessment addresses two species: the northern long-eared bat (*Myotis septentrionalis*) and the Indiana bat (*M. sodalis*).

The NRC previously considered the potential effects of the proposed IP2 and IP3 license renewal on Federally listed species under the jurisdiction of the U.S. Fish and Wildlife Service (FWS) in its final Supplement 38 to NUREG-1437, "Generic Environmental Impact Statement for License Renewal of Nuclear Plants" (FSEIS), which the NRC issued in December 2010.¹ During the development of the FSEIS, the NRC informally consulted with the FWS concerning Federally listed species under its jurisdiction. Correspondence related to the consultation is listed in Appendix E of the FSEIS. The NRC subsequently supplemented the FSEIS in June 2013 to incorporate new and revised information related to the impacts from IP2 and IP3 on aquatic species. The supplement did not affect the FSEIS's evaluation of species under FWS's jurisdiction.

On April 2, 2015, the FWS published a final rule that lists the northern long-eared bat as threatened throughout its range under the ESA. As part of the ongoing IP2 and IP3 license renewal review, Entergy submitted to the NRC information concerning the northern long-eared bat and Indiana bat in a letter dated June 8, 2015. Accordingly, the enclosed biological assessment evaluates the potential effects of the proposed license renewal on the northern long-eared bat, a species that was not considered in the FSEIS or Supplement 1 thereto. The biological assessment also considers whether Entergy's updated information affects the NRC

¹ NUREG-1437, Supplement 38, Final Report, and the subsequent June 2013 Supplement 1 to the Final Report can be accessed at: <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1437/supplement38/>.

staff's previous finding that IP2 and IP3 license renewal is "not likely to adversely affect" Federally listed species.

The NRC submits the enclosed biological assessment for your review in accordance with 50 CFR 402.12(j). The NRC requests your concurrence with its effect determinations that IP2 and IP3 license renewal "may affect, but not likely to adversely affect" the northern long-eared bat and Indiana bat within 30 days of receipt of this letter. Should you need to discuss the project before making a determination, please contact Briana Grange, Biologist, of my staff by phone at 301-415-1042 or by e-mail at briana.grange@nrc.gov.

Sincerely,

/RA Kevin Folk for/

David J. Wrona, Chief
Environmental Review and
Guidance Update Branch
Division of License Renewal
Office of Nuclear Reactor Regulation

Docket Nos. 50-247 and 50-286

Enclosure:

1. Biological Assessment

cc w/encl: Listserv

D. Stilwell

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1. Biological Assessment

cc w/encl: Listserv

DISTRIBUTION: See next page

ADAMS Accession Nos.: ML15161A067 (package), ML15161A066 (letter)

Enclosure: ML15161A086 (biological assessment)

*concurred via email

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DATE	6/16/15	6/22/15	6/22/15	6/22/15	7/1/15	6/25/15	7/1/15

OFFICIAL RECORD COPY

Letter to David Stilwell from David J. Wrona dated July 1, 2015

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COMMISSION'S DETERMINATION THAT LICENSE RENEWAL OF INDIAN
POINT NUCLEAR GENERATING UNITS NOS. 2 AND 3 WOULD NOT
ADVERSELY AFFECT THE NORTHERN LONG-EARED BAT OR INDIANA BAT

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