

JONES DAY

100 HIGH STREET • 21ST FLOOR • BOSTON, MASSACHUSETTS 02110.1781

TELEPHONE: +1.617.960.3939 • FACSIMILE: +1.617.449.6999

DIRECT NUMBER: (617) 449-6807
EZOLI@JONESDAY.COM

January 5, 2021

VIA E-MAIL & OVERNIGHT MAIL, NEXT DAY DELIVERY

Briana A. Grange, Aquatic Biologist
Division of Materials and License Renewal
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(via email at briana.grange@nrc.gov)

Julie Crocker
Endangered Fish Recovery Branch Chief
National Marine Fisheries Service
Greater Atlantic Regional Fisheries Office
55 Great Republic Drive
Gloucester, MA 01930
(via email at julie.crocker@noaa.gov)

Attn: Section 7 Coordinator
NMFS GARFO Protected Resources Division
55 Great Republic Drive
Gloucester, MA 01930
(via e-mail at incidental.take@noaa.gov)

Re: Indian Point: Sturgeon monitoring under January 30, 2013 Biological Opinion/Incidental
Take Statement in connection with Indian Point, including the associated February 9,
2018 amendment (collectively, the “BiOp/ITS”)

Dear Ms. Grange, Ms. Crocker and the Section 7 Coordinator:

This correspondence is submitted on behalf of Entergy Nuclear Indian Point 2, LLC and Entergy Nuclear Indian Point 3, LLC, the respective former owners of Indian Point Nuclear Stations, Unit 2 and Unit 3 (collectively, “Indian Point”), and Entergy Nuclear Operations, Inc. (“ENOI;” collectively, “Entergy”), the operator of Indian Point. It expressly copies Holtec Decommissioning International, LLC, and therefore its subsidiaries Holtec Indian Point 2, LLC

Briana A. Grange
Julie Crocker
NMFS GARFO Protected Resources Division
January 5, 2022
Page 2

and Holtec Indian Point 3, LLC (collectively, the “Holtec ownership entities”), for the reasons stated herein.

As we previously advised the Department of Commerce, National Oceanic and Atmospheric Administration and the National Marine Fisheries Service (collectively, “NMFS”), on May 10, 2021 (the “Closing”), the specified Entergy and Holtec entities completed a multi-phase, indirect change in control with respect to Indian Point (the “Transaction”). The Holtec entities have now assumed responsibility for the BiOp/ITS, effective as of that Transaction’s Closing. As we also previously advised NMFS, of April 30, 2021, all Indian Point units had permanently ceased electric-generating operations.

This correspondence (“Correspondence”) is submitted by Entergy to address the final results of BiOp/ITS-mandated Atlantic and Shortnose Sturgeon (collectively, “Sturgeon”) Ristroph monitoring (the “Monitoring”) performed on behalf of Entergy by Normandeau Associates, Inc. (“Normandeau”) at the Stations from 2019 through 2021 (all, prior to the Closing). That final report prepared by Normandeau for the pre-Closing Monitoring conducted on behalf of Entergy (“Report”) is enclosed, thus fulfilling Entergy’s responsibilities with respect to the BiOp/ITS, including under RPM #10.

As detailed in the Report, the 2020 Fall and 2021 Spring Monitoring repeated without variance the results of the 2019 Monitoring: During Monitoring, zero (0) Sturgeon were collected. Again, all Indian Point units have now permanently ceased electric-generating operations. For these reasons, we respectfully request NMFS’ concurrence that no annual meeting with respect to Entergy’s Ristroph pre-Closing Monitoring would be of value or is required by NMFS.

We respectfully request that all such future BiOp/ITS considerations, and any questions that may arise other than with respect to the Report, be directed to Holtec. We specifically recognize that Holtec may have continuing discussions with NMFS and obligations under the BiOp/ITS related to systems or equipment at Indian Point that, post-Closing, are owned and operated by Holtec entities.

Briana A. Grange
Julie Crocker
NMFS GARFO Protected Resources Division
January 5, 2022
Page 3

Finally, on behalf of Entergy, we thank you for your collaboration in connection with this now-completed Monitoring effort.

Very truly yours,

/s/ Elise N. Zoli

Elise N. Zoli

Enclosure: Monitoring Report

cc: Julie A. Williams, Esq. (julie.williams@noaa.gov), NOAA General Counsel - Northeast Administration, National Oceanic and Atmospheric Administration

Mark D. Sanza, Esq. (mdsanza@gw.dec.state.ny.us), Deputy General Counsel, New York State Department of Environmental Conservation

Chuck Nieder (wcnieder@gw.dec.state.ny.us), Bureau of Ecosystem Health Chief, New York State Department of Environmental Conservation

Susan M. Floyd (sfloyd3@entergy.com), Senior Counsel, Entergy Services, LLC

Jason Day, General Counsel (J.day@holtec.com), Holtec Decommissioning International, LLC