



**Entergy Nuclear Northeast**  
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Fred Dacimo  
Vice President  
Operations License Renewal

NL-11-105

September 13, 2011

Mr. Brian E. Holian  
Director, License Renewal  
U.S. Nuclear Regulatory Commission  
11555 Rockville Pike – Mailstop 011F1  
Rockville, MD 20852

U.S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, DC 20555-0001

**SUBJECT:** Clean Water Act Section 401 Water Quality Certification Waiver  
Indian Point Nuclear Generating Unit Nos. 2 & 3  
Docket Nos. 50-247 and 50-286  
License Nos. DPR-26 and DPR-64

**REFERENCE:**

1. Generic Environmental Impact Statement for License Renewal of Nuclear Plants Supplement 38 Regarding Indian Point Nuclear Generating Unit Nos. 2 and 3, Final Report (December 2010), Sections 4.1.1-4.1.3, Office of Nuclear Reactor Regulation NUREG-1437, Supplement 38 ("FSEIS")
2. NYSDEC, Comments on the NRC Staff's Final Supplemental Environmental Impact Statement for the License Renewal of Indian Points 2 and 3, Buchanan, New York (May 26, 2011)
3. NYSDEC, Letter, John L. Parker to Brian Holian, NRC (August 11, 2011)

Dear Mr. Holian:

On August 23, 2011, Entergy Nuclear Operations, Inc., Entergy Nuclear Indian Point 2, LLC, and Entergy Nuclear Indian Point 3, LLC (collectively, "Entergy") received their copy of the August 11, 2011 correspondence by John L. Parker, Esq. of the New York State Department of Environmental Conservation ("NYSDEC") (Reference 3). We have reviewed that letter and have concluded that no further response is necessary as our position remains the same. Entergy has addressed the points made by Mr. Parker in letters on the topic of waiver by NYSDEC of that agency's federally-delegated right to review the applicants' Water Quality Certification under the Clean Water Act dated June 21, 2011; June 30, 2011; and July 29, 2011.

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MRA

We welcome your questions on any of the matters raised in those letters.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized initial 'D' followed by a horizontal line and a period.

FRD/cbr

cc: Mr. William Dean, Regional Administrator, NRC Region I  
Mr. John Boska, NRR Senior Project Manager  
Mr. Paul Eddy, New York State Department of Public Service  
NRC Resident Inspector's Office  
Mr. Andrew Stuyvenberg, NRC License Renewal Environmental Project Manager  
Mr. Sherwin Turk, NRC Office of General Counsel  
Mr. Joe Martens, Commissioner, NYS Department of Environmental Conservation  
Mr. John L. Parker, Office of General Counsel, Region 3, NYS Department of Environmental Conservation