

September 25, 2012

Mr. Fred Dacimo, Vice President
Entergy Nuclear Operations, Inc.
Indian Point Energy Center
450 Broadway, GSB
P.O. Box 249
Buchanan, NY 10511-0249

Dear Mr. Dacimo:

Your letter to the Chairman and Commissioners of the U.S. Nuclear Regulatory Commission (NRC) dated August 6, 2012, has been referred to me for response. In your letter, you respond to the July 25, 2012, letter from Janice A. Dean, Assistant Attorney General for the State of New York and Edward McTiernan, Deputy General Counsel of the New York State Department of Environmental Conservation outlining the State of New York's position on the status of the water quality certification required by Section 401 of the Clean Water Act (CWA), for Indian Point Nuclear Generating Unit Nos. 2 and 3 (IP2 and IP3), and the ongoing license renewal review for IP2 and IP3.

The NRC staff appreciates having had the opportunity to consider your views. As you may be aware, there is an ongoing adjudicatory proceeding associated with the staff's review of the IP2 and IP3 license renewal application, concerning matters that are separate from the issues addressed in your letter. Given that no decision on the application appears imminent, it would be premature to address the issue of NRC's authority to renew the IP2 and IP3 licenses at this time.

I appreciate hearing your views and thank you for your interest in this matter. If you have additional questions or concerns about the IP2 and IP3 license renewal review process, I invite you to contact Mr. David Wrona, Chief of Projects Branch 2, in the Division of License Renewal at 301-415-2292 or by e-mail at David.Wrona@nrc.gov.

Sincerely,

/RA/

John W. Lubinski, Director
Division of License Renewal
Office of Nuclear Reactor Regulation

September 25, 2012

Mr. Fred Dacimo, Vice President
Entergy Nuclear Operations, Inc.
Indian Point Energy Center
450 Broadway, GSB
P.O. Box 249
Buchanan, NY 10511-0249

Dear Mr. Dacimo:

Your letter to the Chairman and Commissioners of the U.S. Nuclear Regulatory Commission (NRC) dated August 6, 2012, has been referred to me for response. In your letter, you respond to the July 25, 2012, letter from Janice A. Dean, Assistant Attorney General for the State of New York and Edward McTiernan, Deputy General Counsel of the New York State Department of Environmental Conservation outlining the State of New York's position on the status of the water quality certification required by Section 401 of the Clean Water Act (CWA), for Indian Point Nuclear Generating Unit Nos. 2 and 3 (IP2 and IP3), and the ongoing license renewal review for IP2 and IP3.

The NRC staff appreciates having had the opportunity to consider your views. As you may be aware, there is an ongoing adjudicatory proceeding associated with the staff's review of the IP2 and IP3 license renewal application, concerning matters that are separate from the issues addressed in your letter. Given that no decision on the application appears imminent, it would be premature to address the issue of NRC's authority to renew the IP2 and IP3 licenses at this time.

I appreciate hearing your views and thank you for your interest in this matter. If you have additional questions or concerns about the IP2 and IP3 license renewal review process, I invite you to contact Mr. David Wrona, Chief of Projects Branch 2, in the Division of License Renewal at 301-415-2292 or by e-mail at David.Wrona@nrc.gov.

Sincerely,
/RA/
John W. Lubinski, Director
Division of License Renewal
Office of Nuclear Reactor Regulation

DISTRIBUTION: G20120617-LTR-12-0443-EDATS-SECY-2012-0419

**ADAMS Accession Numbers: ML12237A224 (PKG) ML12222A343 (Inc.)
ML12237A162 (Ltr.)**

*concurrence by e-mail

OFFICE	LA:DLR*	PM:DLR/RPB2	BC:DLR/RPB2	OGC	D: DLR
NAME	YEdmonds	MWentzel	DWrona	STurk	JLubinski
DATE	8/29/12	9/6/12	9/11/12	9/12/12	9/25/12

OFFICIAL RECORD COPY

Letter to Fred Dacimo from John W. Lubinski, dated September 25, 2012

SUBJECT: RESPONSE TO FRED DACIMO

DISTRIBUTION: G20120617/LTR-12-0443/EDATS: SECY-2012-0419

HARD COPY:

DLR R/F

E-MAIL:

PUBLIC

RidsNrrDir Resource

RidsNrrDirRpb1 Resource

RidsNrrDirRpb2 Resource

RidsNrrDirRarb Resource

RidsNrrDirRasb Resource

RidsNrrDirRapb Resource

RidsNrrDirRerb Resource

RidsNrrDirRsg Resource

RidsOgcMailCenter Resource

MWentzel

DWrona

JDaily

DMorey

DPickett

DJackson, RI

STurk, OGC

SBurnell, OPA

DMcIntyre, OPA

EDacus, OCA

GMeyer, RI

RConte, RI

JTrapp, RI

DScrenci, RI OPA

NSheehan, RI OPA

PCataldo, RI

NMcNamara, RI

BWelling, RI

OAVEGBUSI, RI

MCatts, RI

MHalter, RI