

September 25, 2012

Mr. Edward McTiernan, Deputy General Counsel
New York State Department
of Environmental Conservation
625 Broadway
Albany, NY 12233

Dear Mr. McTiernan:

Your letter to the Chairman and Commissioners of the U.S. Nuclear Regulatory Commission (NRC), dated July 25, 2012, has been referred to me for response. In your letter, you present 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 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

Ms. Janice Dean, Assistant Attorney General
Office of the Attorney General
for the State of New York
120 Broadway, 26th Floor
New York, NY 10271

Dear Ms. Dean:

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Division of License Renewal
Office of Nuclear Reactor Regulation

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Sincerely,

/RA/

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

Identical letter sent to: Janice Dean

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Letter to Janice Dean and Edward McTiernan John W. Lubinski, dated September 25, 2012

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