

September 25, 2012

Ms. Deborah Brancato
Riverkeeper, Inc.
20 Secor Road
Ossining, NY 10562

Dear Ms. Brancato:

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 write to support 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. Phillip Musegaas
Riverkeeper, Inc.
20 Secor Road
Ossining, NY 10562

Dear Mr. Musegaas:

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 write to support 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

Ms. Deborah Brancato
Riverkeeper, Inc.
20 Secor Road
Ossining, NY 10562

Dear Ms. Brancato:

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 write to support 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. Given that there is an ongoing adjudicatory proceeding associated with the staff's review of the IP2 and IP3 license renewal application, and 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: G20120586/LTR-12-0375/EDATS: SECY-2012-0403

See next page

Identical letters sent to: Ms. Deborah Brancato and Mr. Phillip Musegaas

ADAMS Accession Nos. ML12237A049 (Package); ML12221A181 (Incoming); ML12237A022 (Response) *concurrence by e-mail

OFFICE	PM:DLR/RPB2	LA:DLR*	BC:DLR/RPB2	OGC (NLO w/comments)*	D:DLR
NAME	MWentzel	IKing	DWrona	STurk	JLubinski
DATE	9/6/12	8/28/12	9/11/12	9/12/12	9/25/12

OFFICIAL RECORD COPY

Letter to D. Brancato and P. Musegaas from J. Lubinski, dated September 25, 2012

DISTRIBUTION: G20120586/LTR-12-0375/EDATS: SECY-2012-0403

SUBJECT: RESPONSE TO DEBORAH BRANCATO AND PHILLIP MUSEGAAS

HARD COPY:

DLR R/F

E-MAIL:

PUBLIC

RidsEdoMailCenter Resource
RidsOgcMailCenter Resource
RidsRgn1MailCenter Resource
RidsOcaaMailCenter Resource
RidsSecyMailCenter Resource
RidsNrrMailCenter Resource
RidsNrrDir Resource
RidsNrrDirRpb1 Resource
RidsNrrDirRpb2 Resource
RidsNrrDirRarb Resource
RidsNrrDirRasb Resource
RidsNrrDirRapb Resource
RidsNrrDirRerb Resource
RidsNrrDirRsrg 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
BWellington, RI
OAvegbusi, RI
MCatts, RI
MHalter, RI