

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

RAS 3406

DOCKETED 09/18/01

ATOMIC SAFETY AND LICENSING BOARD PANEL

SERVED 09/18/01

Before Administrative Judge:

Ann Marshall Young
Presiding Officer

_____)	
In the Matter of)	Docket Nos. 50-003-LT
)	and 50-247-LT
CONSOLIDATED EDISON COMPANY)	(consolidated)
OF NEW YORK and)	
ENTERGY NUCLEAR INDIAN POINT 2, LLC,)	ASLBP No. 01-792-03-LT
and ENTERGY NUCLEAR OPERATIONS, INC.)	
)	
)	September 18, 2001
(Indian Point Nuclear Generating)	
Units 1 and 2))	
_____)	

ORDER

(Regarding the Termination of Proceedings)

On September 7, 2001, two documents were filed, indicating circumstances that appear to warrant the termination of this proceeding, which involves a December 12, 2000, application seeking the Commission's authorization under Section 84 of the Atomic Energy Act, 42 U.S.C. § 2234, and 10 C.F.R. § 50.80, for Consolidated Edison Company of New York ("ConEd") to transfer its ownership interest in, and operating/maintenance responsibility for, the Indian Point Nuclear Generating Unit Nos. 1 and 2 (collectively, "the Indian Point plant") to Entergy Nuclear Indian Point 2, LLC ("Entergy Indian Point 2") and Entergy Nuclear Operations, Inc. ("Entergy Nuclear Operations").

First, Counsel for Entergy Indian Point and Entergy Nuclear Operations filed a Status Report stating that the Entergy Companies, the Town of Cortlandt and the Hendrick Hudson School District (collectively, "Cortlandt"), had reached a settlement pursuant to which Cortlandt had agreed to withdraw from this proceeding and would be filing a Notice of Withdrawal.

Second, the Citizens Awareness Network (CAN) filed a letter stating that it declines to participate in a hearing on the license transfer at issue.

Although no official copy of Cortlandt's withdrawal has been received, an unofficial copy has been provided to the Presiding Officer, and this together with the Entergy and CAN filings appear to provide good cause to terminate this proceeding and cancel the hearing currently scheduled for October 29, 2001.

Therefore, unless the Presiding Officer receives, no later than October 3, 2001, notification of good cause not to terminate the proceeding, an Order will be entered thereafter terminating the proceeding and canceling the October 29, 2001, hearing.

IT IS SO ORDERED.¹

/RA/

Administrative Judge Ann Marshall Young
PRESIDING OFFICER
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
E-mail: amy@nrc.gov; Fax: 301/415-5599

Rockville, Maryland
September 18, 2001

¹Copies of this Order were sent this date by Internet e-mail or facsimile transmission, if available, to all participants or counsel for participants.

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NUCLEAR REGULATORY COMMISSION

In the Matter of)
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CONSOLIDATED EDISON COMPANY)
OF NEW YORK INC.,) Docket Nos. 50-003-LT
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and) (consolidated)
ENERGY NUCLEAR OPERATIONS, INC.)
)
(Indian Point Nuclear Generating)
Units 1 and 2))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (REGARDING THE TERMINATION OF PROCEEDINGS) have been served upon the following persons by deposit in the U.S. mail, first class, or through NRC internal distribution.

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Washington, DC 20555-0001

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Docket Nos. 50-003-LT and 50-247-LT
(consolidated)
LB ORDER (REGARDING THE TERMINATION
OF PROCEEDINGS)

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 18th day of September 2001