

September 13, 2004

Mr. Michael B. Kaplowitz  
Chair, Committee on Budget & Appropriations  
Westchester County Board of Legislators  
800 Michaelian Office Building  
148 Martine Avenue  
White Plains, NY 10601

Dear Mr. Kaplowitz:

On behalf of the Nuclear Regulatory Commission (NRC), I am responding to your letter of May 14, 2004, requesting a formal adjudicatory hearing on any proposed renewal of the operating licenses for Indian Point Nuclear Generating Unit Nos. 2 and 3 (IP2 and 3).

As stated in our letter to you on April 15, 2004, Entergy Nuclear Operations, Inc. (Entergy) has not submitted an application to renew the operating licenses for IP2 and 3. Therefore, as discussed below, your request for a formal hearing cannot be accepted.

The NRC regulations that govern the hearing process are found in Part 2, "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders," of Title 10 of the *Code of Federal Regulations* (10 CFR Part 2). When NRC licensing actions involve nuclear reactors, such as a license renewal application, the NRC will publish a "Notice of Opportunity for Hearing" in the *Federal Register*. This Notice will also be available at the NRC's web site under "Hearing Opportunities and License Applications." Hearing requests and intervention petitions must be filed in accordance with 10 CFR Part 2, within 60 days of the date of the *Federal Register* publication.

In the present case, Entergy has not submitted a request to renew the licenses for IP2 and 3. Consequently, the NRC has not published a Notice allowing for the request of an adjudicatory hearing. Therefore, your request cannot be accepted, as it is premature.

I trust this information is useful in understanding the NRC's hearing process.

Sincerely,

*/RA/*

Cornelius F. Holden, Director  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

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