

April 28, 2000

Robert E. Denton, Executive Vice President, Generation
Baltimore Gas and Electric Company
Calvert Cliffs Nuclear Power Plant
1650 Calvert Cliffs Parkway
Lusby, MD 20657

SUBJECT: NOTICE OF CONSIDERATION OF APPROVAL OF TRANSFER OF RENEWED FACILITY OPERATING LICENSES AND MATERIALS LICENSE AND CONFORMING AMENDMENTS, AND OPPORTUNITY FOR A HEARING - CALVERT CLIFFS NUCLEAR POWER PLANT, UNIT NOS. 1 AND 2, CALVERT CLIFFS INDEPENDENT SPENT FUEL STORAGE INSTALLATION (TAC NOS. MA8343 AND MA8344)

Dear Mr. Denton:

Enclosed is a copy of a "Notice of Consideration of Approval of Transfer of Renewed Facility Operating Licenses and Materials License and Conforming Amendments and Opportunity for a Hearing" related to the application dated February 29, 2000, as supplemented April 7, 2000, filed by Baltimore Gas and Electric Company (BGE). The application seeks approval (pursuant to 10 CFR 50.80 and 10 CFR 72.50) of the proposed transfer of the Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2 (CCNPP), Renewed Facility Operating Licenses Nos. DPR-53 and DPR-69 and Materials License No. SNM-2505 for the CCNPP independent spent fuel storage installation (ISFSI) to Calvert Cliffs, Inc. from the current holder of the licenses, BGE. Calvert Cliffs, Inc., presently a subsidiary of BGE, will become owned by Constellation Nuclear Group, LLC, a subsidiary of Constellation Energy Group, Inc., BGE's parent, at the time the licenses are transferred. The application also seeks (pursuant to 10 CFR 50.90 and 10 CFR 72.56) the approval of conforming amendments to the licenses and ISFSI Technical Specifications to reflect the name of the new licensee.

This notice is being forwarded to the Office of the *Federal Register* for publication.

Sincerely

/RA/

Alexander W. Dromerick, Sr. Project Manager, Section 1
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-317, 50-318, 72-8

Enclosure: Notice

cc w/encl: See next page

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Unit Nos. 1 and 2

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UNITED STATES NUCLEAR REGULATORY COMMISSION

BALTIMORE GAS AND ELECTRIC COMPANY

CALVERT CLIFFS NUCLEAR POWER PLANT, UNIT NOS. 1 AND 2

DOCKET NOS. 50-317 AND 50-318

AND

CALVERT CLIFFS INDEPENDENT SPENT FUEL STORAGE INSTALLATION

DOCKET NO. 72-8

NOTICE OF CONSIDERATION OF APPROVAL OF TRANSFER OF RENEWED FACILITY OPERATING
LICENSES AND MATERIALS LICENSE AND CONFORMING AMENDMENT, AND
OPPORTUNITY FOR A HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 approving the transfer of Renewed Facility Operating Licenses Nos. DPR-53 and DPR-69 for the Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2 (CCNPP), and Materials License No. SNM-2505 for the Calvert Cliffs Independent Spent Fuel Storage Installation (ISFSI) currently held by Baltimore Gas and Electric Company (BGE), as owner and licensed operator of CCNPP and the ISFSI. The transfer would be to Calvert Cliffs, Inc. The Commission is also considering amending the licenses and Technical Specifications (TSs) for administrative purposes to reflect the proposed transfer.

By application dated February 29, 2000, as supplemented April 7, 2000, BGE requested the Commission's approval of the proposed license transfers as part of the corporate restructuring of BGE in accordance with Maryland's Electric Customer Choice and Competition Act of 1999. Under this restructuring, Constellation Energy Group, Inc. ("Constellation Energy"), the parent of BGE, has formed a wholly owned subsidiary, Constellation Nuclear

Group, LLC ("CN"). BGE proposes to transfer ownership of and the licenses for CCNPP and the ISFSI to a subsidiary of BGE, Calvert Cliffs, Inc. ("Company"). BGE will then transfer the ownership of Company to Constellation Energy, which in turn will transfer the ownership of Company to CN. The result will be that CN, as owned by Constellation Energy, will own Company, which will be the owner and licensee of CCNPP and the ISFSI.

The proposed amendments would revise the licenses and the ISFSI TSs, to reflect their transfer from BGE to Company.

Pursuant to 10 CFR 50.80 and 10 CFR 72.50, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an application for the transfer of a license, if the Commission determines that the proposed transferee is qualified to be the holder of the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

Before issuance of the proposed conforming license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

As provided in 10 CFR 2.1315, unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any amendment to the license of a utilization facility or the license of an ISFSI which does no more than conform the license to reflect the transfer action, involves respectively, "no significant hazards consideration" or "no genuine issue as to whether the health and safety of the public will be significantly affected." No contrary determination has been made with respect to this specific license amendment application. In light of the generic determinations reflected in 10 CFR 2.1315, no public comments with respect to significant hazards considerations are being solicited, notwithstanding the general comment procedures contained in 10 CFR 50.91.

The filing of requests for hearing and petitions for leave to intervene, and written comments with regard to the license transfer application, are discussed below.

By May 24, 2000, any person whose interest may be affected by the Commission's action on the application may request a hearing, and, if not the applicants, may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart M, "Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications," of 10 CFR Part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests and petitions may be denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.1308(b)(1)-(2).

Requests for a hearing and petitions for leave to intervene should be served upon Jay Silberg, Esq., counsel for BGE, at Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW, Washington, DC 20037 (tel: 202-663-8063; fax: 202-663-8007; e-mail: jay.silberg@shawpittman.com); the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (e-mail address for filings regarding license transfer cases only: OGCLT@NRC.gov); and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the

Presiding Officer. A notice granting a hearing will be published in the FEDERAL REGISTER and served on the parties to the hearing.

As an alternative to requests for hearing and petitions to intervene, by June 5, 2000, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this FEDERAL REGISTER notice.

For further details with respect to this action, see the application dated February 29, 2000, as supplemented April 7, 2000, available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (<http://www.nrc.gov>).

Dated at Rockville, Maryland this 28th day of April 2000.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Elinor G. Adensam, Director
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation