

July 26, 2005

Mr. William Levis
Senior Vice President & Chief Nuclear Officer
PSEG Nuclear LLC-X04
Post Office Box 236
Hancocks Bridge, NJ 08038

SUBJECT: NOTICE OF CONSIDERATION OF APPROVAL OF TRANSFER OF FACILITY
OPERATING LICENSE AND CONFORMING AMENDMENT, AND
OPPORTUNITY FOR A HEARING - HOPE CREEK GENERATING STATION
(TAC NO. MC6365)

Dear Mr. Levis:

Enclosed is a copy of a "Notice of Consideration of Approval of Transfer of Facility Operating License and Conforming Amendment, and Opportunity for a Hearing" related to the application dated March 4, 2005 (ML050750110) filed by PSEG Nuclear LLC. The application (pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.80) seeks approval of the proposed transfer of the Hope Creek Generating Station, Facility Operating License No. NPF-57 to Exelon Generation Company, LLC from the current holder of the license, PSEG Nuclear LLC. The application also seeks (pursuant to 10 CFR 50.90) the issuance of a conforming amendment to the license to reflect the transfer.

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

Sincerely,

/RA/

Stewart N. Bailey, Sr. Project Manager, Section 2
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-354

Enclosure: As stated

cc w/encl: See next page

July 26, 2005

Mr. William Levis
Senior Vice President & Chief Nuclear Officer
PSEG Nuclear LLC-X04
Post Office Box 236
Hancocks Bridge, NJ 08038

SUBJECT: NOTICE OF CONSIDERATION OF APPROVAL OF TRANSFER OF FACILITY
OPERATING LICENSE AND CONFORMING AMENDMENT, AND
OPPORTUNITY FOR A HEARING - HOPE CREEK GENERATING STATION
(TAC NO. MC6365)

Dear Mr. Levis:

Enclosed is a copy of a "Notice of Consideration of Approval of Transfer of Facility Operating License and Conforming Amendment, and Opportunity for a Hearing" related to the application dated March 4, 2005 (ML050750110) filed by PSEG Nuclear LLC. The application (pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.80) seeks approval of the proposed transfer of the Hope Creek Generating Station, Facility Operating License No. NPF-57 to Exelon Generation Company, LLC from the current holder of the license, PSEG Nuclear LLC. The application also seeks (pursuant to 10 CFR 50.90) the issuance of a conforming amendment to the license to reflect the transfer.

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

Sincerely,
/RA/

Stewart N. Bailey, Sr. Project Manager, Section 2
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-354

Enclosure: As stated

cc w/encl: See next page

DISTRIBUTION:

PUBLIC	LMarsh/CHolden	DRoberts	GDick	ACRS
PDIII-2 R/F	HNieh	GSuh	SBailey	VMcCree
PDI-2 R/F	JUhle	CRaynor	OGC	DLPMDPR

ADAMS ACCESSION NUMBER: ML051800618

*NLO w/ changes

OFFICE	PDIII-2/PM	PDI-2/LA	PDI-2/PM	OGC	PDI-2/SC	PDIII-2/SC
NAME	GDick	CRaynor	SBailey	SUttal*	DRoberts	GSuh
DATE	07/18/05	7/18/05	7/22/05	7/19/05	7/25/05	7-26-05

OFFICIAL RECORD COPY

Hope Creek Generating Station

cc:

Mr. Michael P. Gallagher
Vice President - Eng/Tech Support
PSEG Nuclear
P.O. Box 236
Hancocks Bridge, NJ 08038

Mr. Michael Brothers
Vice President - Nuclear Assessments
PSEG Nuclear
P.O. Box 236
Hancocks Bridge, NJ 08038

Mr. George P. Barnes
Site Vice President - Hope Creek
PSEG Nuclear
P.O. Box 236
Hancocks Bridge, NJ 08038

Mr. George H. Gellrich
Plant Support Manager
PSEG Nuclear
P.O. Box 236
Hancocks Bridge, NJ 08038

Mr. Michael J. Massaro
Plant Manager - Hope Creek
PSEG Nuclear
P.O. Box 236
Hancocks Bridge, NJ 08038

Ms. Christina L. Perino
Director - Regulatory Assurance
PSEG Nuclear - N21
P.O. Box 236
Hancocks Bridge, NJ 08038

Eric Epstein
TMI Alert
4100 Hillsdale Road
Harrisburg, PA 16803

Jeffrie J. Keenan, Esquire
PSEG Nuclear - N21
P.O. Box 236
Hancocks Bridge, NJ 08038

Ms. R. A. Kankus
Joint Owner Affairs
Exelon Generation Company, LLC
Nuclear Group Headquarters KSA1-E
200 Exelon Way
Kennett Square, PA 19348

Lower Alloways Creek Township
c/o Mary O. Henderson, Clerk
Municipal Building, P.O. Box 157
Hancocks Bridge, NJ 08038

Dr. Jill Lipoti, Asst. Director
Radiation Protection Programs
NJ Department of Environmental
Protection and Energy
CN 415
Trenton, NJ 08625-0415

Brian Beam
Board of Public Utilities
2 Gateway Center, Tenth Floor
Newark, NJ 07102

Regional Administrator, Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406

Senior Resident Inspector
Hope Creek Generating Station
U.S. Nuclear Regulatory Commission
Drawer 0509
Hancocks Bridge, NJ 08038

UNITED STATES NUCLEAR REGULATORY COMMISSION

PSEG NUCLEAR LLC

HOPE CREEK GENERATING STATION

DOCKET NO. 50-354

NOTICE OF CONSIDERATION OF APPROVAL OF TRANSFER
OF FACILITY OPERATING LICENSE AND CONFORMING
AMENDMENT AND OPPORTUNITY FOR A HEARING

The Nuclear Regulatory Commission (NRC or the Commission) is considering the issuance of an order under Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.80 approving the transfer of Facility Operating License No. NPF-57 for the Hope Creek Generating Station (Hope Creek) currently held by PSEG Nuclear LLC (PSEG), as owner and licensed operator of Hope Creek to Exelon Generation Company, LLC (Exelon). The transfer of PSEG's ownership interests and operating authority to Exelon is part of the proposed merger of PSEG's parent corporation, Public Service Enterprise Group, into Exelon Corporation, the indirect parent company of Exelon. The Commission is also considering amending the license for administrative purposes to reflect the proposed transfer.

According to an application for approval filed by PSEG, Exelon would assume title to the facility following approval of the proposed license transfer, and would be responsible for the operation, maintenance, and eventual decommissioning of Hope Creek. No physical changes to the Hope Creek facility or operational changes are being proposed in the application.

The proposed amendment would replace references to PSEG in the license with references to Exelon to reflect the proposed transfer.

Pursuant to 10 CFR 50.80, 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 hold 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 amendment, 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 which does no more than conform the license to reflect the transfer action involves no significant hazards consideration. No contrary determination has been made with respect to this specific license amendment application. In light of the generic determination 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.

Within 20 days of the date of publication of this notice, any person whose interest may be affected by the Commission's action on the application may request a hearing and, if not the applicant, 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 C "Rules of General Applicability: Hearing Requests, Petitions to Intervene, Availability of Documents, Selection of

Specific Hearing Procedures, Presiding Officer Powers, and General Hearing Management for NRC Adjudicatory Hearings,” of 10 CFR Part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.309. Untimely requests and petitions may be denied, as provided in 10 CFR 2.309(c)(1), 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 2.309(c)(1)(i)-(viii).

Requests for a hearing and petitions for leave to intervene should be served, pursuant to 10 CFR 2.302 and 2.305, upon Thomas S. O'Neill, Vice President and Counsel, Exelon Nuclear, 4300 Winfield Road, Warrenville, Illinois 60555, telephone 630-657-3770, fax 630-657-4335, and e-mail thomas.oneill@exeloncorp.com; Jeffrie J. Keenan, Esq., PSEG Nuclear LLC, P.O. Box 236, N-21, Hancocks Bridge, New Jersey 08038, telephone 856-339-5429, fax 856-339-7-1234, and e-mail jeff.keenan@pseg.com; the General Counsel, NRC, Washington, DC 20555-0001 e-mail address for filings regarding license transfer cases only: OGCLT@NRC.gov; and the Secretary of the Commission, NRC, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff.

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, within 30 days after the date of publication of this notice, 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, NRC,

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 March 4, 2005, (ML050750110), available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC web site, <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1-800-397-4209, 301-415-4737 or by e-mail to pdr@nrc.gov.

Dated at Rockville, Maryland this 26th day of July 2005.

FOR THE NUCLEAR REGULATORY COMMISSION
/RA/

Stewart N. Bailey, Senior Project Manager, Section 2
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation