

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 LICENSES AND CONFORMING AMENDMENTS, AND
OPPORTUNITY FOR A HEARING - SALEM NUCLEAR GENERATING
STATION, UNIT NOS. 1 AND 2 (TAC NOS. MC6366 AND MC6367)

Dear Mr. Levis:

Enclosed is a copy of a "Notice of Consideration of Approval of Transfer of Facility Operating Licenses and Conforming Amendments, 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) 50.80) seeks approval of the proposed transfer of Salem Nuclear Generating Station, Unit Nos. 1 and 2, Facility Operating License Nos. DPR-70 and DPR-75, respectively, to the extent currently held by PSEG Nuclear LLC to Exelon Generation Company, LLC. The application also seeks (pursuant to 10 CFR 50.90) the issuance of conforming amendments to the licenses 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 Nos. 50-272 and 50-311

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 LICENSES AND CONFORMING AMENDMENTS, AND
OPPORTUNITY FOR A HEARING - SALEM NUCLEAR GENERATING
STATION, UNIT NOS. 1 AND 2 (TAC NOS. MC6366 AND MC6367)

Dear Mr. Levis:

Enclosed is a copy of a "Notice of Consideration of Approval of Transfer of Facility Operating Licenses and Conforming Amendments, 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) 50.80) seeks approval of the proposed transfer of Salem Nuclear Generating Station, Unit Nos. 1 and 2, Facility Operating License Nos. DPR-70 and DPR-75, respectively, to the extent currently held by PSEG Nuclear LLC to Exelon Generation Company, LLC. The application also seeks (pursuant to 10 CFR 50.90) the issuance of conforming amendments to the licenses 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 Nos. 50-272 and 50-311

Enclosure: As stated

cc w/encl: See next page

DISTRIBUTION:

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

ADAMS ACCESSION NUMBER: ML051800730

*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	7/28/05	7-26-05

OFFICIAL RECORD COPY

Salem Nuclear Generating Station, Unit Nos. 1 and 2

cc:

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

Mr. Thomas P. Joyce
Site Vice President - Salem
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

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

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

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
Salem Nuclear Generating Station
U.S. Nuclear Regulatory Commission
Drawer 0509
Hancocks Bridge, NJ 08038

Mr. Carl J. Fricker
Plant Manager
PSEG Nuclear - N21
P.O. Box 236
Hancocks Bridge, NJ 08038

Eric Epstein
TMI Alert
4100 Hillsdale Road
Harrisburg, PA 16803

UNITED STATES NUCLEAR REGULATORY COMMISSION

PSEG NUCLEAR LLC

SALEM NUCLEAR GENERATING STATION, UNIT NOS. 1 AND 2

DOCKET NOS. 50-272 AND 50-311

NOTICE OF CONSIDERATION OF APPROVAL OF TRANSFER
OF FACILITY OPERATING LICENSES AND CONFORMING
AMENDMENTS 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 Nos. DPR-70 and DPR-75 for the Salem Nuclear Generating Station, Unit Nos. 1 and 2 (Salem), respectively, to the extent currently held by PSEG Nuclear LLC (PSEG) to Exelon Generation Company, LLC (Exelon). PSEG is the licensed operator of Salem. PSEG and Exelon currently own 57.41 percent and 42.59 percent, respectively, of Salem. 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 licenses for administrative purposes to reflect the proposed transfer.

According to an application for approval filed by PSEG, Exelon would assume title to PSEG's interest in the facility following approval of the proposed license transfers, while retaining its current ownership interests, such that Exelon would own 100 percent of Salem, and would become responsible for the operation, maintenance, and eventual decommissioning of

Salem. No physical changes to the Salem facility or operational changes are being proposed in the application.

The proposed amendments would delete references to PSEG, or replace references to PSEG in the licenses with references to Exelon, as appropriate, 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 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 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 856-339-1234, 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