

February 13, 2007

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

DOCKETED
USNRC

February 13, 2007 (2:09pm)

In the Matter of

PPL Susquehanna, LLC

(Susquehanna Steam Electric Station,
Units 1 and 2)

)
)
)
)
)
)

Docket Nos. 50-387-LR

50-388-LR

ASLB No. 07-851-01-LR

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

**PPL SUSQUEHANNA'S ANSWER TO ERIC EPSTEIN'S
MOTION TO COMPEL APPLICATION FOR LICENSE TRANSFER**

PPL Susquehanna, LLC ("PPL Susquehanna") hereby answers and opposes "Eric Joseph Epstein's Motion to Compel PPL Susquehanna to (1) Apply for a Direct License Transfer . . . and (2) Request and Receive a Scheduler Exemption . . ." ("Motion"), dated February 5, 2007. The Motion should be denied because a license transfer is beyond the scope of this license renewal proceeding, and the Board has no authority to direct PPL Susquehanna to file an application to initiate a new proceeding.

The Motion should also be denied because Mr. Epstein's assertion that PPL Susquehanna did not apply for or receive a license transfer from the predecessor licensee, PPL Electric, (Motion at 6) is baseless, as demonstrated by the Order Approving License Transfer and Conforming Amendments, 65 Fed. Reg. 37,418 (2000). Indeed, this Order was cited in PPL Susquehanna's Answer to Eric Epstein's Petition for Leave to Intervene (Jan. 29, 2007), at 16 n.7, which Mr. Epstein blithely ignores.

Finally, the Motion should be denied because Mr. Epstein has made no effort to consult with the parties in this proceeding, as required by 10 C.F.R. § 2.323(b). Had he done so, his oversight of the prior license transfer might have been corrected.

For all these reasons, Mr. Epstein's Motion should be denied.

Respectfully Submitted,



David R. Lewis
PILLSBURY WINTHROP SHAW PITTMAN LLP
2300 N Street, N.W.
Washington, DC 20037-1128
Tel. (202) 663-8474
Counsel for PPL Susquehanna

Dated: February 13, 2007

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

In the Matter of)	
)	
PPL Susquehanna, LLC)	Docket Nos. 50-387-LR
)	50-388-LR
(Susquehanna Steam Electric Station,)	ASLB No. 07-851-01-LR
Units 1 and 2))	

CERTIFICATE OF SERVICE

I hereby certify that copies of "PPL Susquehanna's Answer to Eric Epstein's Motion to Compel Application for License Transfer" dated February 13, 2007, was served on the persons listed below by deposit in the U.S. Mail, first class, postage prepaid, and where indicated by an asterisk by electronic mail, this 13th day of February, 2007.

*Administrative Judge
Ann Marshall Young, Esq., Chairman
Atomic Safety and Licensing Board
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
amy@nrc.gov

*Administrative Judge
Dr. William W. Sager
Atomic Safety and Licensing Board
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
wsager@tamu.edu

Office of Commission Appellate Adjudication
Mail Stop O-16 C1
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

*Administrative Judge
Dr. Kaye D. Lathrop
Atomic Safety and Licensing Board
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
klathrop@independence.net

*Secretary
Att'n: Rulemakings and Adjudications Staff
Mail Stop O-16 C1
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
secy@nrc.gov; hearingdocket@nrc.gov

Atomic Safety and Licensing Board
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

*Susan L. Uttal, Esq.
*Molly L. Barkman, Esq.
*Jody C. Martin, Esq.
Office of the General Counsel
Mail Stop O-15 D21
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
slu@nrc.gov; mlb9@nrc.gov; jcm5@nrc.gov

*Mr. Eric J. Epstein
4100 Hillsdale Road
Harrisburg, PA 17112
ericepstein@comcast.net

A handwritten signature in black ink, appearing to read 'D. R. Lewis', is written over a horizontal line.

David R. Lewis