

October 28, 2008

Mr. Louis S. Larragoite  
Manager – Nuclear Safety and Security  
Calvert Cliffs Nuclear Power Plant  
1650 Calvert Cliffs Parkway  
Lusby, MD 20657-4702

SUBJECT: ACCEPTANCE REVIEW RE: APPLICATION FOR APPROVAL OF 10 CFR 50.80 AND 10 CFR 72.50 INDIRECT TRANSFERS OF CONTROL OF LICENSES – CALVERT CLIFFS NUCLEAR POWER PLANT, UNIT NOS. 1 AND 2, NINE MILE POINT NUCLEAR STATION, UNIT NOS. 1 AND 2, AND R. E. GINNA NUCLEAR POWER PLANT (TAC NOS. MD9786 – MD9790)

Dear Mr. Larragoite:

By letter dated October 3, 2008 (Agencywide Documents Access and Management System Accession No. ML082810187), Constellation Energy Nuclear Group, LLC (CENG), on behalf of Calvert Cliffs Nuclear Power Plant, Inc., Nine Mile Point Nuclear Station, LLC, and R. E. Ginna Nuclear Power Plant, LLC, and MidAmerican Energy Holdings Company (MEHC) (together, Applicants) submitted an application seeking Nuclear Regulatory Commission (NRC) consent to the indirect transfers of control of the following NRC licenses: (1) Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 & 2, Operating Licenses DPR-53 & DPR-69; (2) Calvert Cliffs Independent Spent Fuel Storage Installation Facility, Materials License No. SNM-2505; (3) Nine Mile Point Nuclear Station, Unit Nos. 1 & 2, Operating Licenses DPR-63 & NPF-69; and (4) R. E. Ginna Nuclear Power Plant, Operating License DPR-18 (collectively, the Licenses). The indirect transfers of control would result from the proposed acquisition by merger of CENG's parent corporation, Constellation Energy Group, Inc., by MEHC.

The purpose of this letter is to provide the results of the NRC staff's acceptance review of this license transfer request. The acceptance review was performed to determine if there is sufficient technical and financial information in scope and depth to allow the NRC staff to complete its detailed review. The acceptance review is also intended to identify whether the application has any readily apparent information insufficiencies in its characterization of the regulatory requirements or the licensing basis of the plants.

Title 10 of the *Code of Federal Regulations* (10 CFR), Section 50.80(a) states:

No license for a production or utilization facility [...], or any right thereunder, shall be transferred, assigned, or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of the license to any person, unless the Commission gives its consent in writing.

In addition, the requirements of 10 CFR 50.80(b) and (c) apply. Section 50.80(b) states that an application for a license transfer shall include as much information described in 10 CFR 50.33, "Contents of applications; general information," and 10 CFR 50.34, "Contents of construction permit and operating license applications; technical information," "with respect to the identity

and technical and financial qualifications of the proposed transferee as would be required by those sections if the application were for an initial license.” Section 50.80(c) states that “the Commission will approve an application for the transfer of a license, if the Commission determines:

- (1) That the proposed transferee is qualified to be the holder of the license; and
- (2) That the transfer of the license is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

For indirect license transfers, the Commission has held, with respect to the first determination, that it will approve an application if the Commission determines that the proposed indirect transfer of control of the license will not affect the qualifications of the licensee to hold the license.

The NRC staff has reviewed your application and concluded that it provides technical and financial information in sufficient detail to enable the staff to proceed with its detailed review and make an independent assessment regarding the acceptability of the proposed license transfer in terms of regulatory requirements and the protection of public health and safety and the environment. If additional information is needed for the staff to complete its review, you will be advised by separate correspondence.

If you have any questions, please contact me at 301-415-1364.

Sincerely,

**/RA/**

Douglas V. Pickett, Senior Project Manager  
Plant Licensing Branch I-1  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos. 50-220, 50-244, 50-317,  
50-318, and 50-410

cc: Distribution via ListServ

L. Larragoite

- 2 -

and technical and financial qualifications of the proposed transferee as would be required by those sections if the application were for an initial license." Section 50.80(c) states that "the Commission will approve an application for the transfer of a license, if the Commission determines:

- (1) That the proposed transferee is qualified to be the holder of the license; and
- (3) That the transfer of the license is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

For indirect license transfers, the Commission has held, with respect to the first determination, that it will approve an application if the Commission determines that the proposed indirect transfer of control of the license will not affect the qualifications of the licensee to hold the license.

The NRC staff has reviewed your application and concluded that it provides technical and financial information in sufficient detail to enable the staff to proceed with its detailed review and make an independent assessment regarding the acceptability of the proposed license transfer in terms of regulatory requirements and the protection of public health and safety and the environment. If additional information is needed for the staff to complete its review, you will be advised by separate correspondence.

If you have any questions, please contact me at 301-415-1364.

Sincerely,

**/RA/**

Douglas V. Pickett, Senior Project Manager  
Plant Licensing Branch I-1  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos. 50-220, 50-244, 50-317,  
50-318, and 50-410

cc: Distribution via ListServ

Distribution:

|                   |                        |                    |
|-------------------|------------------------|--------------------|
| PUBLIC            | LPL1-1 r/f             | RidsNrrDorlLpl1-1  |
| RidsNrrLASLittle  | RidsNrrPMDPickett      | RidsNrrDprPfpb     |
| RidsOgcMailCenter | RidsAcrsAcnwMailCenter | MDusaniwskyj, PFPB |
| KMartin, IOLB     | RidsNrrDirslolb        | GDentel, R1        |
| RidsNrrPMRGuzman  | RidsNrrPMMDavid        |                    |

ADAMS Accession No. ML082971036

|        |            |            |            |              |
|--------|------------|------------|------------|--------------|
| OFFICE | PM/LPL1-1  | PM/LPLI-1  | LA:LPL1-1  | BC/LPL1-1    |
| NAME   | DPickett   | RGuzman    | SLittle    | MKowal       |
| DATE   | 10 /27/ 08 | 10 /27/ 08 | 10 /27/ 08 | 10 / 28 / 08 |

OFFICIAL RECORD COPY