



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

February 26, 2009

Mr. Michael J. Wallace
Vice Chairman, Constellation Energy, Inc.
100 Constellation Way
Suite 1800P
Baltimore, MD 21202

SUBJECT: ACCEPTANCE REVIEW RE: APPLICATION FOR APPROVAL OF 10 CFR 50.80 AND 10 CFR 72.50 LICENSE TRANSFERS CONFORMING LICENSE AMENDMENT REQUEST – 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. ME0443 - ME0447)

Dear Mr. Wallace:

By letter dated January 22, 2009 (Agencywide Documents Access and Management System Accession No. ML090290101), 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 Electricite de France (EDF) Development, Inc. (EDF Development) submitted an application seeking Nuclear Regulatory Commission (NRC) consent to certain transfers 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 license transfers would result from the proposed corporate restructuring that would be implemented in order to facilitate an investment by EDF Development whereby it would acquire a 49.99% ownership interest in CENG.

The purpose of this letter is to provide the results of the Nuclear Regulatory Commission (NRC) staff's acceptance review of this license transfer and conforming license amendment 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

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.

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 301-415-1030.

Sincerely,



Richard V. Guzman, 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

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.

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 301-415-1030.

Sincerely,

/RA/

Richard V. Guzman, 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	RidsNrrDorlLp1-1
RidsNrrLASLittle	RidsNrrPMRGuzman	RidsNrrDprPfpb
RidsOgcMailCenter	RidsAcrcAcnwMailCenter	MDusaniwskyj, PFPB
KMartin, IOLB	RidsNrrDirslolb	GDentel, R1
RidsNrrPMDPickett	RidsNrrPMMDavid	

ADAMS Accession No. ML090570315

OFFICE	PM/LPL1-1	PM/LPLI-1	LA/LPL1-1	BC/LPL1-1
NAME	RGuzman	DPickett (RGuzman for)	SLittle	MKowal
DATE	02/26/09	2/26/09	2/26/09	2/26/09