

Dated: July 27, 2005.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

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NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

SUMMARY: The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* NRC Form 396, "Certification of Medical Examination by Facility Licensee".

2. *Current OMB approval number:* 3150-0024.

3. *How often the collection is required:* Upon application for an initial operator license, every six years for the renewal of operator or senior operator license, and upon notices of disability.

4. *Who is required or asked to report:* Facility licensees who are tasked with certifying the medical fitness of an applicant or licensee.

5. *The number of annual respondents:* 137.

6. *The number of hours needed annually to complete the requirement or request:* 758 (288 hours for reporting (.25 hours per response) and 470 hours for recordkeeping (3.4 hours per recordkeeper)).

7. *Abstract:* NRC Form 396 is used to transmit information to the NRC regarding the medical condition of applicants for initial operator licenses or renewal of operator licenses and for the maintenance of medical records for all licensed operators. The information is used to determine whether the physical condition and general health of applicants for operator licensees is such that the applicant would not be expected to cause operational errors and endanger public health and safety.

Submit, by October 3, 2005, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O-1 F21, Rockville, MD 20852. OMB clearance requests are available at the NRC World Wide Web site: <http://www.nrc.gov/public-involve/doc-comment/omb/index.html>. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo Shelton (T-5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, by telephone at 301-415-7233, or by Internet electronic mail to infocollects@nrc.gov.

Dated in Rockville, Maryland, this 27th day of July 2005.

For the Nuclear Regulatory Commission.

Brenda Jo Shelton,

NRC Clearance Officer, Office of Information Services.

[FR Doc. E5-4104 Filed 8-1-05; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-277 and 50-278]

Exelon Generation Company, LLC, PSEG Nuclear LLC, Peach Bottom Atomic Power Station, Units 2 and 3; Notice of Consideration of Approval of Transfer of Facility Operating Licenses and Conforming Amendments and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (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 Licenses Nos. DPR-44 and DPR-56 for the Peach Bottom Atomic Power Station, Units 2 and 3, to the extent currently held by PSEG Nuclear LLC with respect to its ownership interests in the plants to Exelon

Generation Company, LLC. Exelon Generation Company, LLC, is the licensed operator of Peach Bottom Atomic Power Station, Units 2 and 3. PSEG Nuclear LLC and Exelon Generation Company, LLC, currently each own 50 percent of Peach Bottom Atomic Power Station, Units 2 and 3. The transfer of PSEG Nuclear's ownership interests to Exelon Generation Company, LLC, is part of the proposed merger of PSEG Nuclear LLC's indirect parent corporation, Public Service Enterprise Group into Exelon Corporation, the indirect parent company of Exelon Generation Company, LLC. The Commission is also considering amending the licenses for administrative purposes to reflect the proposed transfer.

According to an application for approval filed by Exelon Generation Company, LLC, on behalf of itself and PSEG Nuclear LLC, Exelon Generation Company, LLC, would own 100 percent of the facility following approval of the proposed license transfers. There would be no change with regard to Exelon Generation Company, LLC's, operation of Peach Bottom Atomic Power Station, Units 2 and 3. No physical changes to the Peach Bottom Atomic Power Station, Units 2 and 3, facility or operational changes are being proposed in the application.

The proposed amendments would replace references to PSEG Nuclear LLC in the license with references to Exelon Generation Company, LLC, as necessary, 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 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, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, e-mail address for filings regarding license transfer cases only: OGCLT@NRC.gov; and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.302 and 2.305.

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, U.S. Nuclear Regulatory Commission, 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 3, 2005, (ML050670664) 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 in Rockville, Maryland this 26th day of July 2005.

For the Nuclear Regulatory Commission.

George F. Wunder,

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

[FR Doc. E5-4102 Filed 8-1-05; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-334 and 50-412]

FirstEnergy Nuclear Operating Company, Beaver Valley Power Station, Unit Nos. 1 and 2; Notice of Consideration of Approval of Transfer of Facility Operating Licenses and Conforming Amendments, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 approving the direct transfer of Facility Operating Licenses Nos. DPR-66 and NPF-73 for the Beaver Valley Power Station, Unit Nos. 1 (BVPS 1) and 2 (BVPS 2), respectively, to the extent held by Ohio Edison Company (Ohio Edison) regarding its non-leased interests in BVPS 2, the Cleveland Electric Illuminating Company (Cleveland Electric) and the Toledo Edison Company (Toledo Edison). The transfer would be to FirstEnergy Nuclear Generation Corporation (FENGenCo). The Commission is further considering amending the licenses for administrative purposes to reflect the proposed transfer.

According to an application for approval dated June 1, 2005, as supplemented by letter dated July 15, 2005, filed by FirstEnergy Nuclear Operating Company (FENOC), on behalf of Ohio Edison, Cleveland Electric, Toledo Edison and FENGenCo, FENGenCo would assume Ohio Edison's 35 percent undivided ownership interest in BVPS 1 and 20.22 percent undivided ownership interest in BVPS 2, Cleveland Electric's 24.47 percent undivided ownership interest in BVPS 2, and Toledo Edison's 1.65 percent undivided ownership interest in BVPS 2 following approval of the proposed license transfers. FENOC, currently the licensed operator of BVPS 1 and BVPS 2, would remain so and continue to be responsible for the operation and maintenance of BVPS 1 and BVPS 2. Ohio Edison's 21.66 percent leased interest in BVPS 2 and Toledo Edison's 18.26 percent leased interest in BVPS 2 would not be changed. No physical changes to the BVPS 1 and BVPS 2 facilities or operational changes are being proposed in the application.

The proposed conforming amendments would delete references to Ohio Edison from the license of BVPS 1 and references to Cleveland Electric from the license of BVPS 2, and add references to FENGenCo to licenses of both BVPS 1 and BVPS 2, as appropriate.