UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION DOCKETED 08/20/07

ATOMIC SAFETY AND LICENSING BOARD SERVED 08/20/07

Before Administrative Judges:

E. Roy Hawkens, Chairman
Dr. Paul B. Abramson
Dr. Anthony J. Baratta

In the Matter of	Docket No. 50-0219-LR
AMERGEN ENERGY COMPANY, LLC	ASLBP No. 06-844-01-LR
(License Renewal for Oyster Creek Nuclear Generating Station)	August 20, 2007

NOTICE OF HEARING
(Application for 20-year License Renewal)

This proceeding concerns the July 22, 2005 application by AmerGen Energy Company, LLC ("AmerGen") to renew its operating license for the Oyster Creek Nuclear Generating Station ("Oyster Creek") for twenty years beyond the current expiration date of April 9, 2009. In response to the September 15, 2005 Notice of Opportunity for Hearing (70 Fed. Reg. 54,585 (Sept. 15, 2005)), two Requests for Hearing and Petitions to Intervene were filed on November 14, 2005. One Petition was filed by the New Jersey Department of Environmental Protection [hereinafter referred to as New Jersey], and the other Petition was filed by the Nuclear Information and Resource Service, Jersey Shore Nuclear Watch, Inc., Grandmothers, Mothers and More for Energy Safety, New Jersey Public Interest Research Group, New Jersey Sierra Club, and New Jersey Environmental Federation [hereinafter referred to collectively as Citizens]. On December 9, 2005, this Atomic Safety and Licensing Board was established to preside over the proceeding.

On February 27, 2006, this Board issued a Memorandum and Order in which we (LBP-06-07, 63 NRC 188 (2006)): (1) denied New Jersey's Request for Hearing and Petition to

Intervene;[1] and (2) granted Citizens' Request for Hearing and Petition to Intervene. We concluded that Citizens' contention was admissible to the extent it challenged AmerGen's aging management program for measuring corrosion in the sand bed region of the drywell liner (id. at 217).

Subsequently, on June 6, 2006, this Board issued a Memorandum and Order in which we concluded that Citizens' contention, as admitted by the Board, was a contention of omission that had been cured as a result of newly docketed commitments by AmerGen to perform periodic ultrasonic testing ("UT") measurements in the sand bed region of the drywell liner throughout the period of extended operation (LBP-06-16, 63 NRC 737 (2006)). Instead of dismissing the proceeding, the Board gave Citizens the opportunity to file a new contention raising one or more specific substantive challenges to AmerGen's new periodic UT program for the sand bed region (id. at 744). On June 23, Citizens submitted a Petition to file new contentions, and on October 10, this Board admitted one of the newly proffered contentions; specifically, Citizens' assertion that AmerGen's scheduled UT monitoring frequency in the sand bed region of the drywell shell during the renewal period is insufficient to maintain an adequate safety margin (LBP-06-22, 64 NRC 229, 240-44 (2006)).

This Atomic Safety and Licensing Board hereby gives notice that, pursuant to 10 C.F.R. Part 2, Subpart L, it will convene an evidentiary hearing to receive testimony and exhibits concerning whether the frequency of AmerGen's proposed UT monitoring program for the sand bed region of the drywell shell is sufficient to maintain adequate safety margins during the period of extended operation.

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[1] Although New Jersey established standing, the Board concluded that it failed to proffer an admissible contention. The Nuclear Regulatory Commission sustained the Board's ruling. CLI-07-08, 65 NRC 124 (2007); CLI-06-24, 64 NRC 111 (2006).

A. Date, Time, and Location of Evidentiary Hearing

The evidentiary hearing in this proceeding, which will be open to the public,[2] will begin on Monday, September 24, 2007 at 9:00 A.M., and will continue day-to-day, ending no later than Wednesday, September 26 at 12:00 P.M., at the location specified below:

Ocean County Administration Building
Room 119
101 Hooper Avenue
Toms River, NJ 08754

B. Submitting Written Limited Appearance Statements

Any person not a party to the proceeding, including persons who are affiliated with or represented by a party, may submit to the Board at any time a written limited appearance statement setting forth his or her position on matters of concern relating to this proceeding. See 10 C.F.R. § 2.315(a). Although these statements do not constitute testimony or evidence in the proceeding, they nonetheless may assist the Board and/or the parties in their consideration of the issues. Such statements should be submitted to:

Mail: Office of the Secretary
Rulemakings and Adjudications Staff
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Fax: (301) 415-1101 (verification (301) 415-1966)

E-mail: hearingdocket@nrc.gov

In addition, using the same method of service, a copy of the written statement must be sent to the Chairman of this Licensing Board as follows:

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[2] Members of the public who plan to attend the evidentiary hearing are advised that security measures may be employed at the entrance to the facility, including searches of hand-carried items such as briefcases, backpacks, packages, etc. In addition, signs, banners, posters and displays will be prohibited because they are disruptive to the conduct of the adjudicatory process. See Procedures for Providing Security Support for NRC Public Meetings/ Hearings, 66 Fed. Reg. 31,719 (June 12, 2001).

In the event that a party deems it necessary to discuss protected information at the hearing, that portion of the hearing will be closed to the public. See 10 C.F.R. § 2.390(a)(4).

Mail: Administrative Judge E. Roy Hawkens
c/o: Debra Wolf, Esq., Law Clerk
Atomic Safety and Licensing Board Panel
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Fax: (301) 415-5599 (verification (301) 415-6094)

Email: daw1@nrc.gov

C. Availability of Documentary Information Regarding the Proceeding

Documents relating to this proceeding are available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, or electronically from the publicly available records component of NRC's document system (ADAMS). ADAMS is accessible from the NRC web site at www.nrc.gov/reading-rm/adams.html (Electronic Reading Room). 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 (800) 397-4209 or (301) 415-4737, or by e-mail to pdr@nrc.gov.

D. Scheduling Information Updates

To the extent updated/revised scheduling information exists regarding the evidentiary hearing, it can be found on the NRC website at www.nrc.gov/public-involve/public-meetings/index.cfm or by calling (800) 368-5642, extension 5036, or (301) 415-5036.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD[3]
/RA/

_____
E. Roy Hawkens, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
August 20, 2007

[3] Copies of this Notice of Hearing were sent this date by Internet e-mail to counsel for: (1) AmerGen; (2) Citizens; (3) the NRC Staff; and (4) New Jersey.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
AMERGEN ENERGY COMPANY, LLC	)	Docket No. 50-219-LR
	)	
	)	
(Oyster Creek Nuclear Generating Station)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB NOTICE OF HEARING (APPLICATION FOR 20-YEAR LICENSE RENEWAL) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
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Washington, DC 20004

Docket No. 50-219-LR
LB NOTICE OF HEARING (APPLICATION FOR
20-YEAR LICENSE RENEWAL)

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Trenton, NJ 08625-0402

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Environmental Permitting &
Counseling Section
Division of Law
Hughes Justice Complex
P.O. Box 093
Trenton, NJ 08625

[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 20th day of August 2007