

UNITED STATES NUCLEAR REGULATORY COMMISSION
JERSEY CENTRAL POWER & LIGHT COMPANY d/b/a
GPU ENERGY
GPU NUCLEAR, INC.
OYSTER CREEK NUCLEAR GENERATING STATION
DOCKET NO. 50-219
NOTICE OF CONSIDERATION OF APPROVAL OF TRANSFER
OF FACILITY OPERATING LICENSE AND CONFORMING
AMENDMENT, 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 transfer of Facility Operating License No. DRP-16 for the Oyster Creek Nuclear Generating Station (Oyster Creek), currently held by Jersey Central Power & Light Company (JCP&L) as owner of Oyster Creek and GPU Nuclear, Inc. (GPUN), as the licensed operator of Oyster Creek. The transfer of the license for Oyster Creek would be to AmerGen Energy Company, (LLC) (AmerGen). The Commission is also considering amending the license for administrative purposes to reflect the proposed transfer. Oyster Creek is located in Ocean County, New Jersey.

Under the proposed transfer, AmerGen would be authorized to possess, use, and operate Oyster Creek under essentially the same conditions and authorizations included in the existing license. No physical changes would be made to the Oyster Creek facility as a result of the proposed transfer, and there would be no significant changes in the day-to-day operations of the unit. The proposed amendment to the license would delete references to "Jersey Central

Power & Light” and “GPU Nuclear, Inc.” (including variations of these names) and substitute “AmerGen Energy Company, LLC” (or its new position of “licensee” or “applicant”) as appropriate to reflect the transfer, and make other changes to reflect the approval of the 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 application for the license transfer, are discussed below.

By January 5, 2000, any person whose interest may be affected by the Commission's action on the application may request a hearing, and, if not the applicants, 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 M, "Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications," of 10 CFR Part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests and petitions may be denied, as provided in 10 CFR 2.1308(b), 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 2.1308(b)(1)-(2).

Requests for a hearing and petitions for leave to intervene should be served upon: (1) David R. Lewis, Esq., counsel for GPUN, at Shaw Pittman Potts & Trowbridge, 2300 N Street, N.W., Washington, DC 20037-1128 (tel: 202-663-8474; fax: 202-663-8007; e-mail: "david-lewis"@shawpittman.com), (2) Kevin P. Gallen, Esq., counsel for AmerGen, at Morgan, Lewis & Bockius LLP, 1800 M Street, N.W., Washington, DC 20036-5869 (tel: 202-467-7462; fax: 202-467-7176; e-mail: Kpgallen@mlb.com), (3) the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (e-mail address for license transfer cases only: ogclt@nrc.gov) and (4) the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

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, by January 18, 2000, persons may submit written comments regarding the application for the license transfer, 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 20555-001, 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 November 5, 1999, available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and accessible electronically through ADAMS Public Electronic Reading Room link at the NRC Web site (<http://www.nrc.gov>).

Dated at Rockville, Maryland, this 10th day of December 1999.

FOR THE NUCLEAR REGULATORY COMMISSION



Elinor G. Adensam, Director
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

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December 10, 1999

MEMORANDUM TO: Rules and Directives Branch
Division of Administrative Services
Office of Administration

FROM: Office of Nuclear Reactor Regulation

SUBJECT: NOTICE OF CONSIDERATION OF APPROVAL OF TRANSFER OF FACILITY OPERATING
LICENSE AND CONFORMING AMENDMENT, AND OPPORTUNITY FOR A HEARING-
OYSTER CREEK NUCLEAR GENERATING STATION (TAC NO. MA7021)

One signed original of the *Federal Register* Notice identified below is attached for your transmittal to the Office of the Federal Register for publication. Additional conformed copies (5) of the Notice are enclosed for your use.

- Notice of Receipt of Application for Construction Permit(s) and Operating License(s).
- Notice of Receipt of Partial Application for Construction Permit(s) and Facility License(s): Time for submission of Views on Antitrust matters.
- Notice of Consideration of Issuance of Amendment to Facility Operating License. (Call with 30-day insert date).
- Notice of Receipt of Application for Facility License(s); Notice of Availability of Applicant's Environmental Report; and Notice of Consideration of Issuance of Facility License(s) and Notice of Opportunity for Hearing.
- Notice of Availability of NRC Draft/Final Environmental Statement.
- Notice of Limited Work Authorization.
- Notice of Availability of Safety Evaluation Report.
- Notice of Issuance of Construction Permit(s).
- Notice of Issuance of Facility Operating License(s) or Amendment(s).
- Order.
- Exemption.
- Notice of Granting Exemption.
- Environmental Assessment.
- Notice of Preparation of Environmental Assessment.
- Receipt of Petition for Director's Decision Under 10 CFR 2.206.
- Issuance of Final Director's Decision Under 10 CFR 2.206.
- Other: Conforming Amendment, and Opportunity for a Hearing

DOCKET NO. 50-219

Attachment(s): As stated

Contact: Sherri Little
Telephone: 415-2025

DOCUMENT NAME: G:/PDI-1/Oyster Creek/Frnma7021.wpd

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