



VIA E-MAIL AND U.S. MAIL

May 8, 2008

The Honorable Dale E. Klein
Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Re: In the Matter of AmerGen Energy Co., LLC (License Renewal for Oyster Creek Nuclear Generating Station, Docket No. 50-219-LR)

Dear Chairman Klein:

I am writing on behalf of my clients Nuclear Information and Resource Service, Inc., Jersey Shore Nuclear Watch, Inc., Grandmothers, Mothers and More for Energy Safety, New Jersey Public Interest Research Group, New Jersey Sierra Club, and the New Jersey Environmental Federation (collectively "Citizens"), who are parties to the ongoing relicensing proceeding for Oyster Creek Nuclear Generating Station ("Oyster Creek"). Because the Commission has tentatively scheduled an affirmation session regarding this proceeding on May 16, 2008, we would like to inform you that the State of New Jersey has written to the NRC Staff providing "new and significant information that directly affects license extension [for Oyster Creek]." Letter from Jill Lipoti to Samson Lee, dated March 26, 2008 *available at* ML080940453 (attached for your ease of reference).

In Summary, the State's letter alleges that the Supplemental Environmental Impact Statement ("SEIS") prepared to support the licensing decision for Oyster Creek is inadequate because it omitted any mention of the proposed expansion of a confined disposal facility ("CDF") to support dredging projects that will only be required if the plant continues in operation. *Id.* As such, the CDF project should have been included in the SEIS in order to satisfy the requirements of the National Environmental Policy Act ("NEPA"). *Id.* Showing that this expansion project is imminent, a consultant for AmerGen has met with New Jersey Department of Environmental Protection ("DEP") to discuss permitting. *Id.*

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At this stage, we do not have sufficient information to determine whether this issue raises a significant safety concern. Thus, at present we do not intend to make a formal filing requesting the Commission to reopen the record and hold a hearing on this issue. However, if the State is correct, proceeding with licensing without preparing a supplementary environmental impact assessment for the CDF and the associated dredging projects would violate NEPA. We therefore trust that the Commission will reach its own view on this issue prior to any decision regarding the Oyster Creek license renewal. Finally, we note that the timing of AmerGen's notification to the State means that neither Citizens nor the State have been provided with any opportunity to request a hearing on this issue even though it is material to the license renewal decision.

As noted in the attached certificate of service, copies of this letter have been sent by e-mail or first class mail to all the parties in this proceeding. Thank you for your consideration.

Yours sincerely,

/s

Richard Webster, Esq.

Enclosure

c.c. Service List
Jill Lipoti, New Jersey Department of Environmental Protection