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OFFICE OF SECRETARY
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VIA E-MAIL AND U.S. MAIL

March 31, 2009

The Commissioners
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 Commissioners:

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"). We were noticed at 11 am this morning that the Commission has tentatively scheduled an affirmation session regarding this proceeding for tomorrow April 1, 2009.[1] While we believe there are a number of substantive issues outstanding, these have been fully briefed in our previous submissions. Today we are writing because it is not in the public interest to have a final decision made in this proceeding without the usual seven days notice. Therefore, the Commission's rules require such notice to be provided.

Normally, the regulations require seven days notice of a Commission meeting. 10 C.F.R. § 9.107(a). Where a previously scheduled meeting is rescheduled, notice of the new time or place must be provided at the "earliest practicable time." 10 C.F.R. § 9.107(b). It is unclear whether action can be taken under 9.107(b) in this case, where the affirmation session was postponed, but not immediately rescheduled. However, even if Section 9.107(b) is applicable, the Commission must find that "the public interest in

[1] Notice of the meeting did not appear on the NRC website until after 11:20 am today.

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prompt Commission action or the need to protect the common defense or security or to protect the public health or safety overrides the public interest in having full prior notice of Commission meetings" to take action under this Section. 10 C.F.R. § 9.107(e).

As the regulation recognizes, there is a strong public interest in having full prior notice. Indeed, when the Commission gave notice on January 27, 2009 it had scheduled an affirmation session on Oyster Creek on February 4, 2009, it heard from four Congressmen and the State of New Jersey, all of whom urged the Commission to wait until it had resolved a number of issues regarding the adequacy of the 3D analysis of the drywell shell, and indications from the most recent inspection that the aging management system for the drywell shell is not reliable or effective. Since then the concerns about the aging management system have only increased with the disclosure of internal NRC documents showing that the State of New Jersey has even more serious concerns about the adequacy of the aging management system for the drywell and that there is additional evidence showing that water could be present in the sandbed region, but could go undetected. *See* Exhibit 2, attached to Citizens' Notification, dated March 30, 2009. In addition, an exit meeting concerning the latest inspection is imminent. This inspection should determine whether Exelon's 3D analysis met the requirements of the Advisory Committee on Reactor Safeguards ("ACRS") and a license condition. Thus, if a final decision is to be taken, there is a strong public interest in providing full prior notice so that the parties who previously expressed concern have a chance to make additional comments and so that the Commission can be informed of the results of the latest inspection. In contrast, there is no public interest in having a final decision tomorrow rather than in a week.

Notwithstanding the above, Citizens recognize that all parties would be well served by an interim decision implementing the recommendations of the Licensing Board with regard to the 3D modeling and requiring resolution of the factual discrepancies that have arisen between testimony at the evidentiary hearing in this matter and the observations during the October 2008 inspection. Citizens have no objection to such an interim decision being taken at short notice.

Thank you for your consideration.

Yours sincerely,

Richard Webster, Esq.

Enclosure

c.c. Service List
Jill Lipoti, New Jersey Department of Environmental Protection
Senator Frank R. Lautenberg
Senator Robert Menendez
Congressman John Adler
Congressman Rush Holt
Congressman Frank A. LoBiondo
Congressman Christopher Smith

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of	)	
	)	Docket No. 50-0219-LR
AMERGEN ENERGY COMPANY, LLC	)	
	)	
(License Renewal for the Oyster Creek	)	
Nuclear Generating Station)	)	March 31, 2009
	)	

CERTIFICATE OF SERVICE

I, Richard Webster, of full age, certify as follows:

I hereby certify that on March 31, 2009, I caused Citizens' Letter to the Commissioners regarding meeting notice to be served via email and U.S. Postal Service (as indicated) on the following:

Secretary of the Commission (Email and original and 2 copies via U.S Postal Service)
United States Nuclear Regulatory Commission
Washington, DC 20555-0001
Attention: Rulemaking and Adjudications Staff
E-mail: HEARINGDOCKET@NRC.GOV

Office of Commission Appellate Adjudication (Email and U.S. Postal Service)
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Washington, DC 20555-0001
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Signed: /s

Richard Webster

Dated: March 31, 2009