

EDO Principal Correspondence Control

FROM: DUE: 02/27/04 EDO CONTROL: G20040077
DOC DT: 01/30/04
FINAL REPLY:

Senator Jon S. Corzine
Senator Frank R. Lautenberg

TO:

Chairman Diaz

FOR SIGNATURE OF : ** GRN ** CRC NO: 04-0054

Travers, EDO

DESC:

License Renewal for Oyster Creek Nuclear Power
Plant (Anne M. Wolff, Township of Berkeley/
Jeffrey L. Brown, Brick, New Jersey)

ROUTING:

Travers
Norry
Paperiello
Kane
Collins
Dean
Burns/Cyr
Miller, RI

DATE: 02/06/04

ASSIGNED TO: CONTACT:

NRR

Dyer

SPECIAL INSTRUCTIONS OR REMARKS:

Template: SECY-017

E-RIDS: SECY-01

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Feb 06, 2004 11:00

PAPER NUMBER: LTR-04-0054
ACTION OFFICE: EDO

LOGGING DATE: 02/06/2004

AUTHOR: SEN Jon Corzine
AFFILIATION: SEN
ADDRESSEE: CHRM Nils Diaz
SUBJECT: Concerns the license renewal of Oyster Creek

ACTION: Signature of EDO
DISTRIBUTION: RF, OCA to Ack

LETTER DATE: 01/30/2004

ACKNOWLEDGED No
SPECIAL HANDLING:

NOTES:

FILE LOCATION: ADAMS

DATE DUE: 02/27/2004

DATE SIGNED:

EDO --G20040077

4301

CHAIRMAN REC'D
04 FEB -5 PH 3:34United States Senate
Washington, D. C. 20510

January 30, 2004

Hon. Nils J. Diaz
Chairman
Nuclear Regulatory Commission
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Chairman Diaz:

We have been contacted by a number of community groups expressing concern over the potential renewal of an NRC license for the Oyster Creek nuclear power plant in Lacey Township in our state of New Jersey.

As you know, Oyster Creek is the oldest operating nuclear plant in the country. Its license to operate expires in 2005, and Exelon, the owner/operator of the plant, is entitled to request a five-year extension. Should it decide to do so, the plant would be operational until 2009, when it will have been functioning for 40 years. The enclosed correspondence from my constituents raises questions concerning safety and reliability.

Understanding the potential of nuclear power as an energy resource, we also believe safety concerns need to be addressed. We urge your expedited review of these issues and an understanding from your office about the impact on the community should such a renewal be authorized.

We look forward to hearing from you at your earliest opportunity.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon S. Corzine".

Jon S. Corzine
United States Senator

A handwritten signature in black ink, appearing to read "Frank R. Lautenberg".

Frank R. Lautenberg
United States Senator

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BERKELEY TWP CLERKS

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03-398-R

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BERKELEY
CALLING FOR THE DECOMMISSIONING OF THE NUCLEAR POWER PLANT WITH
A CALL FOR CLEAR ENERGY SOLUTIONS AND A JUST TRANSITION FOR
DISPLACED OYSTER CREEK NUCLEAR POWER PLANT WORKERS.

October 28, 2003

WHEREAS, the recent power outages in Ocean County including
the shut down of the Oyster Creek Nuclear Power Plant constitute
a deep and abiding concern that major changes should be made to
our energy sources and transmission mechanisms; and

WHEREAS, the Oyster Creek Nuclear Power Plant produces less
than 1% of the energy on the PJM Electric Grid and can be
replaced by alternative sources of energy; and

WHEREAS, the Berkeley Township Council has in the past
expressed opposition and concern to the activities of JCP&L and
the subsequent owners of the Oyster Creek Nuclear Power Plant,
specifically by:

(1) joining William DeCamp, Jr. in a
Prerogative Writ Action in 1994 against JCP&L and
the Lacey Township Zoning Board of Adjustment
which permitted the storage of spent nuclear fuel
rods at the Oyster Creek Nuclear Power Plant at a
cost that was funded by the taxpayers of Berkeley
Township.

(2) adopting a Resolution on April 12, 1994
urging the Lacey Township Zoning Board of
Adjustment to reconsider the application of
GPU/JCP&L's storage of nuclear waste at the
Oyster Creek Nuclear Power Plant.

(3) adopting a Resolution on May 13, 2003
requesting an independent evacuation study and a
plan for the Oyster Creek Nuclear Generating
Station to protect Berkeley Township in the event
of an emergency at the Oyster Creek Generating
Station; and

WHEREAS, there is a lack of public confidence in the evacuation plan based on the consensus that the plan is insufficient to evacuate residents in the Ocean County area; and

WHEREAS, in the case of a major nuclear accident, it would take one to four hours for radioactive plumes to spread within a ten mile ring of the Oyster Creek Nuclear Power Plant depending on the weather and evacuation would take considerably longer than four hours for the approximately 244,000 people located within that radius; and

WHEREAS, radioactive releases could cause cancer in people as far as 500 miles away and make homes uninhabitable according to a 1990 Sandia National Laboratories Report; and

WHEREAS, the elevated fuel pool at the Oyster Creek Nuclear Power Plant containing highly radioactive waste does not offer adequate protection in the event of strong weather situations or terrorist attack; and

WHEREAS, the Oyster Creek Nuclear Power Plant is the oldest operating nuclear power plant in the country;

WHEREAS, in 1985 the Nuclear Regulatory Commission said the Mark I Nuclear Reactor Containment System is a faulty design and has a 90% projected failure rate in case of an accident therefore making it necessary to vent the pressure build up to avoid rupturing the containment system; and

WHEREAS, the Nuclear Regulatory Commission has not taken enforcement action against an 11 year old non-compliance identified in a January 24, 2003 Triennial Fire Protection Inspection Report involving the ability of the reactor to safely shut down in the event of a fire, exposing the public to undue risk; and

WHEREAS, nuclear power poses safety and environmental risks and is heavily dependant on taxpayer and ratepayer subsidies, and generates cancer causing Strontium 90,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BERKELEY, IN THE COUNTY OF OCEAN AND STATE OF NEW JERSEY, that the Nuclear Regulatory Commission is urged to decommission the Oyster Creek Nuclear Power Plant in April, 2004

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with a just transition period to insure that all affected workers are retrained and rehired; and be it further

RESOLVED that the Berkeley Township Council urge the implementation and use of clean energy solutions, including renewable energy such as solar and wind power for which state funds are available, and energy conservation; and be it further

RESOLVED that a copy of this Resolution shall be forwarded to the following:

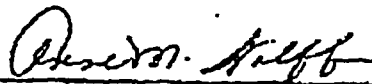
1. Governor James E. McGreevey
2. Senator Jon S. Corzine, One Newark Center, 11th Floor, Newark, New Jersey, 07102
3. Senator Frank Lautenberg, One Gateway Center, 23rd Floor, Newark, New Jersey, 07102
4. Congressman Robert Menendez, 2238 Rayburn HOB, Washington, DC 20515-3013
5. Congressman Rush D. Holt, 1019 Longworth HOB, Washington, DC 20515-3012
6. Congressman Rodney P. Frelinghuysen, 2442 Rayburn HOB, Washington, DC 20515-3011
7. Congressman Donald M. Payne, 2209 Rayburn HOB, Washington, DC 20515-3010
8. Congressman Steven R. Rothman, 1607 Longworth HOB, Washington, DC 20515-3009
9. Congressman Bill Pascrell Jr., 1722 Longworth HOB, Washington, DC 20515-3008
10. Congressman Mike Ferguson, 214 Cannon HOB, Washington, DC 20515-3007
11. Congressman Frank Pallone Jr., 420 Cannon HOB, Washington, DC 20515-3006
12. Congressman Scott Garrett, 1641 Longworth HOB, Washington, DC 20515-3005
13. Congressman Christopher H. Smith, 2373 Rayburn HOB, Washington, DC 20515-3004
14. Congressman Jim Saxton, 339 Cannon HOB, Washington, DC 20515-3003
15. Congressman Frank A. LoBiondo, 225 Cannon HOB, Washington, DC 20515-3002
16. Congressman Robert E. Andrews, 2439 Rayburn HOB, Washington, DC 20515-3001
17. New Jersey Department of Environmental Protection, P. O. Box 402, Trenton, New Jersey, 08625
18. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD, 20852

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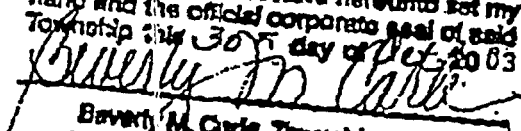
19. U.S. Environmental Protection Agency, 1200
Pennsylvania Avenue NW, Washington DC, 20460
20. Jersey Shore Nuclear Watch, 59 Berkshire Court, Toms
River, New Jersey, 08753
21. NJPIRG, 11 North Willow Street, Trenton, New Jersey,
08608
22. Mayor and Council Members
23. Township Attorney



ANNE M. WOLFF, Council President

CERTIFICATION

I hereby certify that the within resolution
was finally passed by the governing body of
the Township of Berkeley in the County of
Ocean on the 28 day of Oct 20 03.
In witness whereof I have hereunto set my
hand and the official corporate seal of said
Township this 30 day of Oct 20 03.


Beverly M. Clark, Township Clerk

22 Mary Ann Drive
Brick, NJ 08723
September 10, 2003

U.S. Senator Jon S. Corzine
Washington DC 20510

Dear Senator Corzine:

I have recently moved from Montclair to Brick and am writing you regarding the Oyster Creek Nuclear Power Plant.

I would like to know:

1. Do you currently support the retirement of this facility by the expiration of its original forty year license in 2009?
2. If not, under what conditions *would* you support this retirement?
3. Do you support Oyster Creek's early retirement *before* 2009?

Since moving to Brick, I have attended an annual public hearing in Dover Township regarding the state's evacuation plan under the auspices of the State Police and the New Jersey Department of Environmental Protection. A clear majority of public participants clearly did not believe the evacuation plan would work. Speaker after speaker challenged its assumptions, e.g., that people like me in Brick would stay put in the case of an accident or terrorist attack on the plant because we're outside the magical ten mile radius for official evacuation.

I have also read NJPIRG's April 2003 report, *Unnecessary Risk: The Case for Retiring Oyster Creek Nuclear Power Plant*. They have cogently laid out the potential problems of the plant's continued operation and have made a clear case that energy efficiency and renewable energy sources can more than replace Oyster Creek's 1% contribution to the PJM grid:

California's experience, in the face of its energy crisis last year, demonstrated that a concerted effort resulted in a reduction of electricity demand in the state by 6 percent from the same seven-month time period a year earlier, and a peak reduction of 11 percent over the previous year, with continued growth in the state economy. (p.38)

As someone who supported your election to the United States Senate, I hope you will be willing to play a leadership role in making New Jersey more secure by assuring the retirement of the Oyster Creek Nuclear Reactor by -- or better yet -- before 2009.

Thank you very much for your consideration of this inquiry.

Sincerely yours,


Jeffrey L. Brown



New Jersey Public Interest Research Group

11 N. Willow St. njpirg@pirg.org
Trenton, NJ 08608-1203 www.njpirg.org
(609) 394-8155 (ph) (609) 989-9013 (fx)

For Immediate Release:
October 30, 2003

For More Information Contact:
Suzanne Leta, Energy Associate
609-394-8155 x310
sleta@njpirg.org

PRESS RELEASE

NJPIRG AND JERSEY SHORE NUCLEAR WATCH HOLD MEETING ON RETIRING OYSTER CREEK NUCLEAR POWER PLANT

Toms River, New Jersey— New Jersey Public Interest Research Group (NJPIRG), Jersey Shore Nuclear Watch, local officials and community members gathered at the Ocean County Administration Building for a town meeting to discuss the retirement of Oyster Creek Nuclear Power Plant. Broad participation at the meeting clearly showed that concern is mounting over whether Oyster Creek's owners will apply to continue operating the plant beyond its 40-year lifetime. The plant's current operating license is set to end in 2009 and the deadline for the owners to apply for a license extension is this coming April.

Paul Gunter, Director of the Reactor Watchdog Project for Washington, DC-based Nuclear Information and Resource Service (NIRS), opened the meeting by presenting on the plant's bad design, poor security, aging components and flawed evacuation plans. "As the old adage states, 'Forewarned is forearmed,'" said Gunter. "The communities surrounding the aging and deteriorating Oyster Creek nuclear power station need to know the real dangers of the operation and potential license extension of the oldest nuclear power station in the United States," he concluded.

Following the presentation, NJPIRG Energy Advocate Emily Rusch outlined NJPIRG's plan for the safe retirement of the plant and New Jersey's ability to replace the power with cleaner, safer energy sources. "Our research shows that through clean energy development combined with greater energy efficiency, New Jersey can easily replace the power provided by Oyster Creek," said Ms. Rusch.

A panel of advocates, including Edith Gbur, Chair of Jersey Shore Nuclear Watch, then spoke about their advocacy work as it relates to Oyster Creek. "If Oyster Creek stopped producing energy tomorrow it would not be missed, it was a big mistake to begin with. Berkeley Township is leading Ocean County by calling for the decommissioning of the plant in April 2004."

When the meeting opened to questions from the public, community members expressed their concerns. Jeff Brown, a resident of Brick Township said, "We need to contact Gov. McGreevy and ask him to take leadership and make sure that the Nuclear Regulatory Commission does not renew Oyster Creek's license."

Suzanne Leta, Energy Associate for NJPIRG, has been meeting with local officials to present NJPIRG's concerns about the aging plant. "Oyster Creek Nuclear Power Plant is an unnecessary risk to New Jersey residents. Local, state and federal officials should all be calling for the retirement of the plant by 2009," said Ms. Leta.

Unnecessary Risk

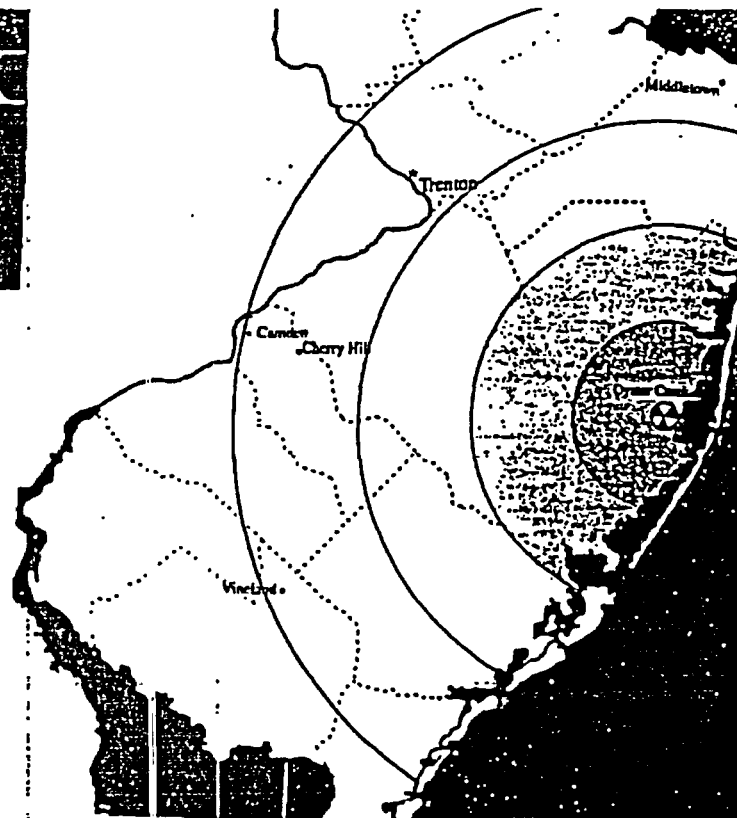
The Case For Retiring Oyster Creek Nuclear Power Plant

NJPIRG

DAVID BOHLER (GENERAL)

New Jersey Public Interest Research Group

11 North Willow Street, Trenton, NJ 08608
(609) 394-8155 phone (609) 989-9013 fax



EXECUTIVE SUMMARY

New Jersey is home to the nation's oldest operating nuclear power plant, Oyster Creek Nuclear Generating Station. Although Oyster Creek's operating license expires in 2009, its owners may seek a license extension by April 2004 from the federal government to allow the plant to continue operating, perhaps for another twenty or thirty years.

Given the risks associated with continued generation of radioactive waste, escalating potential for accidents at aging reactors, the vulnerability of the plant as a terrorist target, and our ability to replace the power generated by the plant, Oyster Creek should not be relicensed.

Oyster Creek threatens public health and safety in New Jersey in the following ways:

Oyster Creek generates highly radioactive waste, which is currently building up on site:

- It is very probable under any scenario that highly radioactive waste generated by Oyster Creek will be stranded permanently in New Jersey. Even if current plans for establishing a Federal Waste Repository at Yucca Mountain move forward on schedule, that facility would reach maximum capacity before more than 145 metric tons of nuclear waste generated under the current license were offloaded from Oyster Creek, stranding the waste in Ocean County.
- If Oyster Creek were relicensed to operate another 20 years, it would generate an additional 338 cubic meters of high-level radioactive waste, weighing over 14 million pounds, with no clear disposal

Oyster Creek's fuel ponds are particularly vulnerable:

- Currently more than 2500 assemblies holding highly radioactive spent fuel are stored in cooling ponds 400 feet from Route 9. These ponds, located on the top floor of the five-story reactor building, have no significant reinforcement structures to prevent damage from an external hazard, such as an intentional attack on the facility.

The plant routinely exposes the surrounding environment to radioactive emissions:

- In 2000 (the latest year for which nationwide data is available) Oyster Creek had the highest level of radioactive iodine air emissions of any boiling water reactor in the country.

Due to the plant's age, the risk of a serious accident at the plant is increasing:

- Oyster Creek is the oldest operating nuclear reactor in the United States, and next year will set a new record for the longest time any reactor has operated in the nation. With inadequate federal oversight, severe age-related degradation may be occurring undiscovered, heightening the risk of a serious accident.
- In the event of an accidental pressure buildup at Oyster Creek, there is a high likelihood of deliberate release of radioactivity directly into the environment in an effort to avoid a core meltdown. This deliberate release would be necessary due to a structurally deficient containment

New Jersey need not depend on Oyster Creek to meet its electricity demand:

- Oyster Creek provides less than 1% of current generating capacity in our regional electricity grid.
- New natural gas generation planned for New Jersey over the next three years will provide electricity generation capacity greater than that of Oyster Creek.
- Developing the state's potential for renewable energy and energy efficiency measures can meet projected increases in state demand for electricity in 2009 and beyond.

By advocating to ensure Oyster Creek is closed in 2009, as originally planned, and focusing our resources on developing renewable energy production and conservation programs in the state, New Jersey can do more than meet electricity demand—we can protect public health, prevent environmental degradation, and decrease our vulnerability to terrorist attack, while investing in technology that can help New Jersey develop its leadership in the high tech economy.