



Barnegat Bay National Estuary Program

November 15, 2005

Chief,
Rules and Directives Branch
Division of Administrative Services
Mailstop T-6D59
US Nuclear Regulatory Commission
Washington D.C., 20555

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RULES AND DIRECTIVES
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Attention: Environmental review of the Oyster Creek Nuclear Generating Station for license renewal

Dear Mr. Lesar:

As you may know, the Barnegat Bay National Estuary Program (BBNEP) is the principal steward of the natural resources of the Barnegat Bay/Little Egg Harbor estuary. It is composed of federal, state, county, municipal, academic, business, and citizen organizations committed to restore, maintain, protect, and enhance this "estuary of national significance".

The BBNEP and the New Jersey Department of Environmental Protection (NJDEP) have been strong partners in this mission for the past 10 years working together on environmental issues in the Barnegat Bay watershed and estuary. Bradley Campbell, the NJDEP Commissioner, is Co-Chair of the BBNEP Policy Committee, which guides the mission and activities of the BBNEP.

The BBNEP is herein submitting comment on the Nuclear Regulatory Commission's (NRC) environmental review linked to the Oyster Creek Nuclear Generating Station (OCNGS) license renewal. During the past 35 years of operation at the OCNGS, there have been significant concerns regarding impingement, entrainment, and thermal impacts on estuarine and marine life. As a result, the Science and Technical Advisory Committee (STAC) of the BBNEP convened a meeting on November 1, 2005, and drafted a number of recommendations for submission to the NRC regarding the OCNGS.

- An independent, scientific body (similar to the National Academy of Science) must be assembled to coordinate and oversee surveys and studies on the impacts of the OCNGS on the Barnegat Bay/Little Egg Harbor estuary.
- The NRC *must* require the OCNGS to focus on remediation of its *direct* impacts on estuarine and marine organisms in the Barnegat Bay/Little Egg Harbor estuary.

525 of Review Complete

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- There have been very few studies of biotic communities in central Barnegat Bay during the past 25-30 years. Additional studies *must* be conducted in the Barnegat Bay/Little Egg Harbor to accurately assess the impacts of entrainment, impingement, and thermal discharges on estuarine and marine organisms.
- The use of wetlands restoration as a mitigation measure *must not* be implemented in place of remediation efforts targeting bay populations and communities of organisms.

Based on the ongoing effects of the OCNGS on the estuarine ecosystem, the NJDEP and the NRC must mandate the implementation of the best available technology for intake structure design and operation of the OCNGS to mitigate impingement and entrainment losses. Section 316(b) of the Clean Water Act requires that the "location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact." This is the position endorsed by the BBNEP and its partners.

The BBNEP strongly recommends that the permit include a condition that charges the BBNEP with the role of the independent scientific body whose purpose is to coordinate research efforts in the Barnegat Bay relating to the effects of the OCNGS. The BBNEP's Comprehensive Conservation and Management Plan (CCMP) recognizes the need for such an entity. Action Item 5.15 of the CCMP charges the BBNEP with establishing this technical group for the examination and coordination of data in order to understand OCNGS's role in the overall ecological health of the bay.

Program partners agree that the BBNEP can and should have the lead role in coordinating and overseeing much-needed surveys and studies regarding OCNGS's effects on the Barnegat Bay ecosystem.

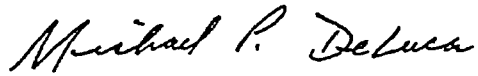
In conclusion, the position of the BBNEP is that regardless of the option pursued by the NRC regarding Oyster Creek's license renewal, without question, the OCNGS absolutely must be required to conduct detailed, comprehensive studies of the communities of bay organisms to determine what the overall impact of the power plant is on Barnegat Bay.

BARNEGAT NATIONAL ESTUARY PROGRAM



Bob Scro, Director

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Michael DeLuca

cc: Michael Masnik, Senior Project Manager, NRC
Congressman James Saxton

BBNEP Policy Committee Members:

Bradley M. Campbell, NJ DEP Commissioner
Tom Fote, Citizen Liaison to the BBNEP
The Hon. David Siddons, Island Heights Mayor
Kathleen C. Callahan, USEPA Region II Acting Administrator
Joseph Vicari, Ocean County Freeholder