



STATE OF NEW JERSEY

LEONARD T. CONNORS, JR.
SENATOR—9TH DISTRICT

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CHRISTOPHER J. CONNORS
ASSEMBLYMAN—9TH DISTRICT
BRIAN E. RUMPF
ASSEMBLYMAN—9TH DISTRICT

January 30, 2006

Rebecca L. Schmidt, Director
Office of Public Information
U.S. Nuclear Regulatory Commission
Washington, DC 20555

RE: OYSTER CREEK NUCLEAR POWER GENERATING STATION

Dear Director Schmidt:

Enclosed is a letter from our constituent, Kathryn Heller Schwartz, 53 Haines Street, Lanoka Harbor, NJ 08734, regarding certain matters involving the Nuclear Generating Station at Oyster Creek.

After reviewing Ms. Schwartz's letter, you will note she highlighted several questions she wishes addressed concerning the station. To address our constituent's concerns, we are respectfully requesting your office look into inquiries brought forth by Ms. Schwartz and provide whatever information that answers her questions.

Thank you in advance for your attention to this important request regarding our constituent. We look forward to your timely response

Sincerely,

Leonard T. Connors, Jr.

Senator – 9th District

Christopher J. Connors
Assemblyman – 9th District

Brian E. Rumpf
Assemblyman – 9th District

LTC/CJC/BER/jjs:mc

Enclosure

Printed on Recycled Paper

JAN 20 2005

January 19, 2006

Honorable Leonard T. Connors, Jr.
Honorable Christopher J. Connors
Honorable Brian Rumpf
Clocktower Building
620 W. Lacey Road
Forked River, NJ 08731

Gentlemen:

Thank you for your response to my letter of December 5, 2005, addressed to then Commissioner Bradley Campbell of the Department of Environmental Protection. As indicated in your response, I am fully aware of your stance with various issues at the Oyster Creek Nuclear Generating Station, owned and operated by Amergen. The issues I raise have NOT been publicly acknowledged by any agency or elected officials and I would appreciate hearing back from you **REGARDING THESE ISSUES**. I have enclosed a copy of my letter once again for your review (highlighting the areas I have concerns with).

Sincerely,



Kathryn Heller Schwartz
53 Haines Street
Lanoka Harbor, NJ 08734

December 5, 2005

Bradley Campbell, Commissioner
Department of Environmental Protection
P.O. Box 402
Trenton, NJ 08625-0402

Dear Commissioner Campbell:

On Monday, September 23, 2002, a fishkill occurred at Oyster Creek Nuclear Generating Station, when Amergen shut down a transformer to perform maintenance work. The transformer provides power to the plant's three thermal dilution pumps, which serve to lower the temperature of water heated within the plant before it is discharged into Oyster Creek (Department of Environmental Protection Release 4/8/04), making it somewhat environmentally friendly. Amergen, operated Oyster Creek Nuclear Generating Station at full power while removing the dilution pump system (Department of Environmental Protection Release 12/12/02).

In December 2002, the State of New Jersey issued a fine of over \$370,000 to Amergen, with \$190,000 representing the violation of the Water Pollution Act and \$182,912 for compensation to the public for injuries to its natural resources (State of New Jersey Release 12/12/02). Amergen then requested a hearing following the announcement of the fine (Atlantic City Press 8/30/03).

In approximately February 2003, an inquiry into the fishkill was initiated by the State of New Jersey (Atlantic City Press 8/30/03).

In March 2003, an employee who was asked what he would say to the investigators was fired from his job as a result of his response (Atlantic City Press 8/30/03).

May of 2003, the International Brotherhood of Electrical Workers walked off their jobs due to contract disputes. During this strike, several employees 'went public' with their accounts of the events of September 2002, which includes quoting a fellow employee stating "we have to do the maintenance and we're going to take the hit" (Ocean County Observer 6/13/03). These employees challenged the management at Oyster Creek and even suggested alternate plans. These same employees claim they were scheduled to speak with a lawyer soon after the fishkill but memos from Amergen told them that the meeting was not necessary (Ocean County Observer 6/13/03).

Statements such as management had changed working conditions that may affect employee's safety and employees working in ways that were not in their job descriptions (Ocean County Observer 5/23/03) are examples of the working environment that was forced upon plant employees. One union worker stated

that "this is not an ice cream stand where anybody can do any job" (Asbury Park Press 5/30/03), indicating that employees were asked to do jobs they were not trained to do. How this can be considered acceptable in the nuclear industry is mind-boggling. Union employees claim that Amergen's initial statement was two workers were the cause of the fishkill and there was a retraction later (Ocean County Observer 5/23/03) also indicate an apparent Amergen effort of using scapegoats.

The most disturbing issue was employees going public with their accounts of the events of September 2002, including no governing agency questioning them about the events of the fishkill (Asbury Park Press 6/13/03). These same employees were key witnesses to an event which ended in both civil and criminal settlements. Within a few weeks of the information being made public, the Attorney General's office re-opened it's investigation into this matter and the company was quoted saying they will cooperate (News 12 New Jersey 6/24/03). Why didn't the company cooperate the first time around?

In April 2004, nearly a year after initiating this investigation, the State of New Jersey issued a \$1 million fine for the September 2002 fishkill. Amergen gave a press release stating their 'voluntary' settlement with the State on this matter (Oyster Creek website 4/8/04). One has to question why this company would initially request a hearing on a \$370,000 fine yet VOLUNTARILY pay \$1 million. The fine levied by the State of New Jersey was to settle civil and criminal matters. Can you please define what these matters were? It seems that the criminal investigation would include the omission of personnel being interviewed in the original investigation. Why were these people omitted from the original investigation? Who was responsible for providing the list of witnesses for the State to question? Are these employees still working within the nuclear industry, especially at Oyster Creek? I find it extremely disturbing that people who withheld information and/or were involved in criminal activity are still employed at this facility.

During the course of the investigation by the State of New Jersey, did any State of New Jersey representative work with any other governing agency on the investigation of this fishkill? Who was that agency and what was the outcome of their investigation?

On Saturday, August 6, 2005, another event occurred at the power plant regarding an incident with seaweed. Originally, the media coverage announced an event which an unusually large accumulation of sea grass and algae caused Oyster Creek Nuclear Generating Station to reduce power to 43%. The plant also made an alert declaration. "The operators took the appropriate action, reducing power and safely securing plant equipment" was said by plant Vice President, Bud Swenson (Ocean County Observer 8/8/05). Now the NRC said they would temporarily increase oversight of the Oyster Creek Nuclear Generating Station after finding the plant did not properly follow procedures when the sea grass blocked the water intake structure. During this event, the operators did not declare an alert quickly enough (Ocean County Observer

11/5/05). Once again, the statements are contradictory to each other, leaving one to question the honesty and integrity of the management of this facility.

There have been numerous events at Oyster Creek in the last few years. While many of these events were mechanical in nature, the events outlined above were human errors. While one can expect that an aging plant will have mechanical problems, which will require upgrading equipment, the errors made at the hands of management who push their employees to their breaking point (where errors are made) and the covering up of their actions cannot be tolerated.

The plant owners are on a public relations campaign promoting their re-licensing effort with signs throughout the community indicating Oyster Creek to be 'clean, safe and reliable'. Nuclear power is one of the cleanest forms of energy, yet one has to question Amergen's safety and reliability portions of their slogan. For any operation to be safe and reliable, the public needs to have confidence in the provider.

Until the findings from ALL agency investigations have full public disclosure, the topic of safety and reliability will be an issue of honesty and integrity. As officials representing the State of New Jersey, you have a responsibility of not only protecting the residents of this State but giving full disclosure of the outcome of all investigations.

The citizens of this state are depending on the safe, reliable and trustworthy operation of this power plant. The issue has now also become one of honesty and integrity as well. The public has NO reason to trust the management of this plant and the oversight of this facility cannot continue at the present level.

Sincerely,

Kathryn Heller Schwartz
53 Haines Street
Lanoka Harbor, NJ 08734

Cc: **Governor Richard Codey** (action/response requested)
153 Halsey Street, 7th Floor
Newark, NJ 07102

Honorable James Saxton (action/response requested)
247 Main Street
Toms River, NJ 08753

Honorable Frank Lautenberg (action/response requested)
1 Gateway Center, Suite 2300
Newark, NJ 07102

Honorable Jon S. Corzine (action/response requested)
1 Gateway Center, 11th Floor
Newark, NJ 07102

John Bartlett, Freeholder (action/response requested)
John P. Kelly, Freeholder (action/response requested)
James F. Lacey, Freeholder (action/response requested)
Gerry P. Little, Freeholder (action/response requested)
Joseph H. Vicari, Freeholder (action/response requested)

Board of Chosen Freeholders

101 Hooper Avenue
Toms River, NJ 08753

Honorable Leonard T. Connors, Jr. (action/response requested)

Clocktower Building
620 W. Lacey Road
Forked River, NJ 08731

Honorable Christopher J. Connors (action/response requested)

Clocktower Building
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Honorable Brian Rumpf (action/response requested)

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Bud Swenson, Vice President, OCNGS

Resident Inspector, NRC (609) 693-0702 (action/response requested)