



SECRETARY

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

March 24, 2006

DOCKETED
USNRC

April 4, 2006 (10:26am)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Docket No. 50-219-LR

SERVED April 4, 2006

The Honorable Christopher H. Smith
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Smith:

I am responding to your letter to Chairman Nils J. Diaz, dated February 16, 2006. In your letter, you request that a hearing be held on the license renewal application for the Oyster Creek Nuclear Generating Station. On February 27, 2006, the Atomic Safety and Licensing Board (ASLB) for the Oyster Creek proceeding issued LBP-06-07. In that decision, the ASLB accepted one of the petitioners' issues as an admissible contention for hearing. Usually, as part of the hearing process, members of the public, including members of the communities surrounding the facility at hand, are provided an opportunity to comment in writing or in person on health and safety concerns.

An appeal of LBP-06-07 was recently filed. Under Nuclear Regulatory Commission procedural rules for adjudications, the Commission has an appellate role in proceedings commenced before its Atomic Safety and Licensing Boards. Because of that role, I trust that you will understand that all members of the Commission must remain impartial during the pendency of a case, whether it is before a Licensing Board or on appeal to the Commission, and that it would be inappropriate for any of them to discuss or comment on issues involved in this matter.

A copy of your letter and this response will be placed on the Oyster Creek hearing docket and served on the parties to the proceeding.

Sincerely,

A handwritten signature in cursive script, appearing to read "Annette Vietti-Cook".

Annette L. Vietti-Cook

cc: Oyster Creek Service List

CHRISTOPHER H. SMITH
4TH DISTRICT, NEW JERSEY

CONSTITUENT SERVICE CENTERS:

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Congress of the United States
House of Representatives

February 16, 2006

COMMITTEES:

INTERNATIONAL RELATIONS
VICE CHAIRMAN

**AFRICA, GLOBAL HUMAN RIGHTS
AND INTERNATIONAL
OPERATIONS SUBCOMMITTEE**
CHAIRMAN

**COMMISSION ON SECURITY AND
COOPERATION IN EUROPE**
CO-CHAIRMAN

Chairman Nils J. Diaz, Ph.D.
U.S. Nuclear Regulatory Commission
1 White Flint N. Building
11555 Rockville Pike
Rockville, MD 20852

Dear Chairman Diaz:

I am writing to respectfully request that the NRC hold a public hearing on the license renewal for the Oyster Creek Nuclear Generating Station, located in Lacey Township, New Jersey.

In the interest of full disclosure, I am opposed to the relicensing of the Oyster Creek Nuclear Generating Station. That said, I believe it is imperative that—at a minimum—you provide the residents and interested parties in the area the right to address the many critical health and safety issues related to the proposed relicensing in a public hearing before the NRC.

It is my understanding that both the New Jersey Department of Environmental Protection and a coalition of public interest groups have requested a public hearing on several safety issues relating to the continuing operation of the Oyster Creek Nuclear Plant. As you know, the NRC has the discretion to convene such a hearing and receive greater input on local factors such as plant security, safety errors, health risks, vulnerability to terrorist attacks, emergency evacuation plans and ability to properly store nuclear waste.

The Oyster Creek Nuclear Power Plant, the nation's oldest operating plant, was built to operate for 40 years. Recent news reports suggest that the plant has one of the poorest safety performance ratings among all nuclear plants in the United States. In addition, the plant's spent nuclear fuel is initially stored 100 feet above ground, next to its reactor and then deposited in a cement and metal cask outside the reactor building.

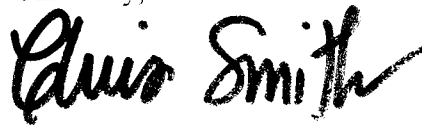
There are 663 tons of radioactive waste materials stored on site as a result of the past 36 years of the plant's operation. If the plant is granted a license to operate for an additional twenty years, it will produce an additional 400 tons of radioactive waste materials. Moreover, with Yucca Mountain, the proposed federal repository for

radioactive waste, behind schedule and billions of dollars over budget, it is unclear how long the spent fuel will remain at Oyster Creek.

The decision to either extend the operation of this facility for an additional twenty years or to close it has wide ranging, long-term ramifications for the citizens of New Jersey. Thus, I ask that you permit a robust debate on this critical decision at an open hearing. My constituents and those of surrounding jurisdictions deserve no less.

Thank you for taking the time to review this most important and time sensitive request. I look forward to hearing from you very shortly regarding this urgent matter.

Sincerely,

A handwritten signature in black ink that reads "Chris Smith". The signature is written in a cursive, slightly slanted style.

CHRISTOPHER H. SMITH

Member of Congress

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
AMERGEN ENERGY COMPANY, LLC) Docket No. 50-219-LR
)
)
(Oyster Creek Nuclear Generating Station))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LETTER FROM ANNETTE L. VIETTI-COOK TO CONGRESSMAN SMITH RESPONDING TO HIS 02/16/06 LETTER REQUESTING THAT A HEARING BE HELD ON THE LICENSE RENEWAL APPLICATION FOR OYSTER CREEK have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
E. Roy Hawkens, Chair
Atomic Safety and Licensing Board Panel
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U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Paul B. Abramson
Atomic Safety and Licensing Board Panel
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Administrative Judge
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Docket No. 50-219-LR
LETTER FROM ANNETTE L. VIETTI-COOK TO CONGRESSMAN
SMITH RESPONDING TO HIS 02/16/06 LETTER REQUESTING
THAT A HEARING BE HELD ON THE LICENSE RENEWAL
APPLICATION FOR OYSTER CREEK

Paul Gunter, Director
Reactor Watchdog Project
Nuclear Information
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Bradley M. Campbell, Commissioner
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Ron Zak
New Jersey Department of
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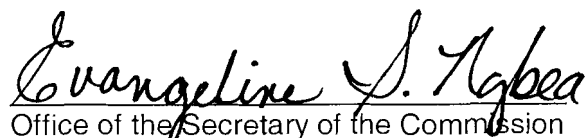
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Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 4th day of April 2006