



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 Robert Menendez
United States Senate
Washington, D.C. 20510-3004

Dear Senator Menendez:

I am responding to your letter to Chairman Nils J. Diaz, dated February 27, 2006, in which you asked the Commission to hold a public hearing on safety issues related to the license renewal application of the Oyster Creek Nuclear Generating Station. You identified potential corrosion of the drywell liner as a particular concern. 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 a petitioner's issue on corrosion of the drywell liner as an admissible contention for hearing. Subsequently, the ASLB's order was appealed.

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,


Annette L. Vietti-Cook

cc: Oyster Creek Service List

ROBERT MENENDEZ
NEW JERSEY

COMMITTEES:
BANKING, HOUSING, AND URBAN
AFFAIRS
BUDGET
ENERGY AND NATURAL RESOURCES

United States Senate

WASHINGTON, DC 20510-3004

502 SENATE HART OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-4744

ONE GATEWAY CENTER
11TH FLOOR
NEWARK, NJ 07102
(973) 615-3030

202 WHITE HOPE PIKE
SUITE 18-19
BARRINGTON, NJ 08007
(856) 757-5353

February 27, 2006

Chairman Nils J. Diaz, Ph.D.
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Re: Proposed Renewal of the Operating License for Oyster Creek Nuclear Generating Station, Docket No. 50-219-LR

Dear Chairman Diaz:

I am writing to ask the Nuclear Regulatory Commission (NRC) to hold a public hearing on safety issues related to the license renewal for the Oyster Creek Nuclear Generating Station located in Lacey Township, particularly regarding the potential corrosion in the drywell. A coalition of public interest groups has petitioned the NRC for a public hearing on this issue, and I believe such a hearing is warranted.

Safety is my highest priority when it comes to the operation of the Oyster Creek Nuclear Generating Station, and I believe that the NRC should take every possible step to determine whether or not it is in a condition that would allow it to operate safely for an additional 20 years past the expiration of its current license. The issue of corrosion in the drywell has recently been brought to my attention by constituents and a series of articles in the *Ashbury Park Press*, and I hope that the NRC addresses this issue in a timely manner.

In the interest of making sure that the license renewal process moves forward with the clear message to the community that safety concerns are going to be taken seriously and reviewed thoroughly, I respectfully request that you convene a public hearing in the vicinity of the Oyster Creek Station, and pursuant to 10 CFR 2.315, allow people who are not parties to the petition to make limited appearances.

Thank you for your attention to this matter.

Sincerely,



Robert Menendez
United States Senator

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 SENATOR MENENDEZ RESPONDING TO HIS 02/27/06 LETTER REQUESTING THAT THE COMMISSION HOLD A PUBLIC HEARING ON SAFETY ISSUES RELATED TO 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
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Paul B. Abramson
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Anthony J. Baratta
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Ann P. Hodgdon, Esq.
Daniel Hugo Fruchter, Esq.
Office of the General Counsel
Mail Stop - O-15 D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Richard Webster, Esq.
Rutgers Environmental Law Clinic
123 Washington Street
Newark, NJ 07102-5695

Docket No. 50-219-LR
LETTER FROM ANNETTE L. VIETTI-COOK TO SENATOR
MENENDEZ RESPONDING TO HIS 02/27/06 LETTER
REQUESTING THAT THE COMMISSION HOLD A PUBLIC
HEARING ON SAFETY ISSUES RELATED TO THE LICENSE
RENEWAL APPLICATION FOR OYSTER CREEK

Paul Gunter, Director
Reactor Watchdog Project
Nuclear Information
and Resource Service
1424 16th Street, NW, Suite 404
Washington, DC 20036

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

Ron Zak
New Jersey Department of
Environmental Protection
Nuclear Engineering
P.O. Box 415
Trenton, NJ 08625-0415

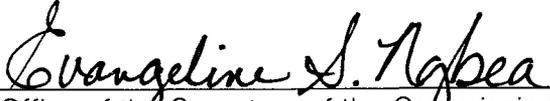
Suzanne Leta
NJPIRG
11 N. Willow St.
Trenton, NJ 08608

Donald J. Silverman, Esq.
Kathryn M. Sutton, Esq.
Alex S. Polonsky, Esq.
Morgan, Lewis, & Bockius LLP
1111 Pennsylvania Ave., NW
Washington, DC 20004

Jill Lipoti, Director
New Jersey Department of
Environmental Protection
Division of Environmental Safety and Health
P.O. Box 424
Trenton, NJ 08625-0424

J. Bradley Fewell, Esq.
Exelon Corporation
200 Exelon Way, Suite 200
Kennett Square, PA 19348

John A. Covino, Esq.
Ellen Barney Balint, Esq.
Valerie Anne Gray, Esq.
Caroline Stahl, Esq.
Deputy Attorneys General
New Jersey Office of the Attorney General
Environmental Permitting &
Counseling Section
Division of Law
Hughes Justice Complex
P.O. Box 093
Trenton, NJ 08625


Office of the Secretary of the Commission

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