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NRR Received Date: 06/13/2006

**From:**

Alan Avery

**TACs:**

MD2331

**To:**

Allen Howe

**\*\*\* YELLOW \*\*\***

**For Signature of:**

**Routing:**

Dyer  
Weber  
Carpenter  
Holahan  
Boger  
NRR Mailroom

**Description:**

Oyster Creek Nuclear Generating Station Relicensing Lacey Township, New Jersey

**Assigned To:**

DLR

**Contact:**

GILLESPIE, FRANK P

**Special Instructions:**



ALAN W. AVERY, JR.  
County Administrator

OFFICE OF THE  
**OCEAN COUNTY ADMINISTRATOR**  
P.O. BOX 2191 \* ADMINISTRATION BUILDING  
TOMS RIVER, NEW JERSEY 08754-2191

Telephone  
(732) 929-2055  
(732) 929-2147

May 17, 2006

Allen G. Howe, Acting Director  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation  
US Nuclear Regulatory Commission  
11555 Rockville Pike, MS 08-H4A  
Rockville, MD 20852

**Re: Oyster Creek Nuclear Generating Station Relicensing  
Lacey Township, New Jersey**

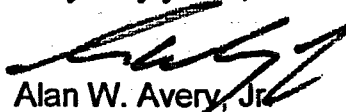
Dear Mr. Howe:

At a recent regular meeting of the Board of Chosen Freeholders a question was raised with regard to the petition filed by the New Jersey Department of Environmental Protection (NJDEP) to require your Agency to hold additional public hearings on three specific issues related to Oyster Creek and its continued operation. These are the vulnerability of the plant to terrorist attack; the potential for safety components to wear out due to metal fatigue; and the adequacy of the backup power plan for the facility.

It is my understanding that your Agency has rejected the request by the NJDEP who has appealed and is currently awaiting a decision. The Board of Chosen Freeholders has adopted resolutions setting forth its concerns with regard to plant relicensing, copies of which are attached to this letter. The resolutions raise the same issues that are contained in the NJDEP's petition and the Board would urge you to approve the NJDEP's request and hold the additional public hearings.

Should you have any questions with regard to this matter, please do not hesitate to contact me.

Very truly yours,



Alan W. Avery, Jr.  
County Administrator

AWA:mac

c: Members, Board of Chosen Freeholders  
Wayne R. Rupert, Undersheriff  
David J. McKeon, Assistant Planning Director  
Gail Marsh Saxer, President, League of Women's Voters of Ocean County



SPECIAL ASSISTANCE/ACCOMMODATIONS available, please call (732) 929-2055.



**RESOLUTION**

**March 1, 2006**

**WHEREAS**, by way of a Resolution adopted on February 18, 2004, the Ocean County Board of Chosen Freeholders called upon the Nuclear Regulatory Commission (NRC) not to approve the License Renewal Request for the Oyster Creek Nuclear Generating Station unless the facility can meet all current NRC operational and safety standards; and

**WHEREAS**, the Ocean County Board of Chosen Freeholders further called upon the NRC, in its deliberations, to specifically address the continued storage of spent radioactive fuel on-site; the ability to safely evacuate residents in response to a nuclear accident; and issues related to the plant's structural integrity, including verification that the plant was constructed as designed, and further verification of the quality of workmanship and material used in the plant's construction; and

**WHEREAS**, on December 9, 2005, this matter was referred by the NRC to an Atomic Safety and Licensing Board Panel, consisting of three Administrative Law Judges for further review and action; and

**WHEREAS**, on February 27, 2006 the Atomic Safety Licensing Board ruled that an adjudicatory hearing will be held to address specific safety issues raised by various parties concerning the structural integrity of the Oyster Creek reactor vessel drywell liner; and

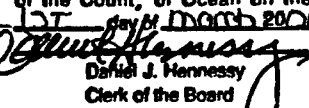
**WHEREAS**, the Ocean County Board of Chosen Freeholders supports the determination of the Atomic Safety and Licensing Board to hold further hearings in this matter.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF OCEAN, STATE OF NEW JERSEY, as follows:**

1. The Ocean County Board of Chosen Freeholders hereby reaffirms its request that the NRC fully and thoroughly address all the issues set forth above and further set forth in the

previous Resolution of the Board, adopted on February 18, 2004, in the ongoing Oyster Creek license renewal proceeding.

2. The Board of Chosen Freeholders further re-affirms its position that the Nuclear Regulatory Commission should not approve a renewal license for the Oyster Creek Nuclear Generating Station unless the facility can meet all current NRC operational and safety standards.
3. A certified copies of this Resolution shall be forwarded to Ocean County's Congressional Representatives, Ocean County's State Legislators, Ocean County Municipal Clerks, the Nuclear Regulatory Commission, the NRC Atomic Safety and Licensing Board, Governor John S. Corzine, and the Oyster Creek Nuclear Generating Station.

I certify the foregoing to be a true copy of a Resolution adopted by the Board of Chosen Freeholders of the County of Ocean on the 12<sup>th</sup> day of March 2010  
  
Daniel J. Hennessy  
Clerk of the Board

**RESOLUTION**  
**February 18, 2004**

**WHEREAS**, the Board of Chosen Freeholders recognizes the need for safe and reliable electrical generation and transmission capacity to meet the growing needs of residents and businesses in Ocean County as documented in a report to the Board of Chosen Freeholders prepared by the Ocean County Planning Department; and

**WHEREAS**, an adequate supply of electrical energy is crucial for the economic and physical welfare of the citizens of Ocean County; and

**WHEREAS**, AmerGen is currently considering whether or not to submit a Licensing Renewal Request to the NRC, to extend plant operations beyond 2009; and

**WHEREAS**, the Nuclear Regulatory Commission (NRC) is the federal agency designated to oversee the operation and security of the nuclear plant; and

**WHEREAS**, the ability of the Oyster Creek Generating Station to operate safely beyond the current licensing period is of primary concern to the Ocean County Board of Chosen Freeholders; and

**WHEREAS**, the Oyster Creek Generating Station is the oldest operating nuclear plant in the Country and will approach its anticipated design life of forty years at the end of the current licensing period in 2009; and

**WHEREAS**, concerns have been expressed regarding the integrity of the Plant's initial construction, the continued storage of spent radioactive fuel on-site, and the ability to safely evacuate residents following a nuclear incident; and

**WHEREAS**, the License Renewal Process will take at least thirty months and will include the preparation of a full Environmental Impact Statement and multiple opportunities for public meetings and comments prior to a determination by the NRC.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Chosen Freeholders of the County of Ocean, State of New Jersey as follows:

1. That the Nuclear Regulatory Commission should not approve a License Renewal Request for the Oyster Creek Generating Station unless it meets all current criteria for operational and safety standards.
2. That in its deliberations, the NRC specifically address the continued storage of spent radioactive fuel on-site, the ability to safely evacuate residents in response to a nuclear accident, and issues related to the Plant's structural integrity, including verification that the Plant was constructed as designed, and questions related to the quality of workmanship and materials used in the Plant's construction.
3. Prior to reaching a decision, the Nuclear Regulatory Commission produce a written report documenting its findings which can be submitted for independent review along with all scientific documents and testimony submitted from other parties with respect to this matter.
4. Urges the US Government, State of New Jersey and participants on the PJM Grid to continue to research and develop renewable energy sources which can be phased into the nation's and region's electrical generating capacity in the future.

5. Request that the State of New Jersey establish a permanent trust fund for the Township of Lacey to guarantee the availability of revenue replacement funds upon the ultimate decommissioning of the plant.
6. Certified copies of this Resolution shall be forwarded to Ocean County's Congressional Representatives, Ocean County's State Legislators, Ocean County Municipal Clerks, the Nuclear Regulatory Commission, Governor James E. McGreevey, and the Oyster Creek Generating Station.

I certify the foregoing to be a  
true copy of a Resolution *Adopted*  
by the Board of Chosen Freeholders

of the County of Ocean on the  
*18th* day of *Feb*, 2004

*Daniel J. Hennessy*  
Daniel J. Hennessy  
Clerk of the Board