



NSIR ACTION ITEM COVER SHEET

NSIR ID No.

EDO Tracking Number (if applicable)

BACKGROUND INFORMATION

Date Received in NSIR Priority Estimated Work Time Hrs.

Document Date Source Source Author

Subject

Action

Special Instructions:

Due Dates:

EDO Office

CONTACT AND STATUS

T-9E39A

Assigned To: Contact

Please add the RidsNsirMailCenter to distribution (for letter/memoranda responses) or CC (for email responses) in order to track and/or close this ticket.

05/19/2006 11:04 AM

4271

EDO Principal Correspondence Control

FROM: DUE: 06/12/06

EDO CONTROL: G20060508

DOC DT: 05/07/06

FINAL REPLY:

EDATS: SECY-2006-0094

Gerry P. Little
Joseph H. Vicari
The Board of Chosen Freeholders

TO:

Chairman Diaz

FOR SIGNATURE OF :

** GRN **

CRC NO: 06-0250

Zimmerman, NSIR

DESC:

ROUTING:

Oyster Creek Nuclear Generating Station Airspace

Reyes
Virgilio
Kane
Silber
Dean
Cyr/Burns
Dyer, NRR
Collins, RI

DATE: 05/19/06

ASSIGNED TO:

CONTACT:

NSIR

Zimmerman

SPECIAL INSTRUCTIONS OR REMARKS:

EDATS

Electronic Document and Action Tracking System

EDATS Number: SECY-2006-0094**Initiating Office:** SECY**General Information****Assigned To:** NSIR**OEDO Due Date:** 6/12/2006 5:00 PM**Other Assignees:****SECY Due Date:** 6/12/2006 5:00 PM**Subject:** Oyster Creek Nuclear Generating Station Airspace**Description:****ADAMS Accession Numbers****Incoming:****Response:****Package:****Document Information****Originating Organization:** The Board of Chosen
Freeholders**Originator Name:** Gerry P. Little & Joseph H. Vicari**Incoming Task Received:** Letter**Date of Incoming Document:** 5/7/2006**Document Received by OEDO Date:** 5/19/2006**Date Response Requested by Originator:** NONE**Addressee:** Chairman Diaz**Process Information****Action Type:** Letter**Priority:** Medium**Sensitivity:** None**Signature Level:** NSIR**Urgency:** NO**OEDO Concurrence:** NO**OCM Concurrence:** NO**Special Instructions:****Other Information****Cross Reference Number:** G20060508,LTR-06-0250**Related Task:****File Routing:** EDATS**Agency Lesson Learned:** NO

**OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET***Date Printed: May 18, 2006 17:25***LOGGING DATE: 05/18/2006**

PAPER NUMBER: LTR-06-0250
ACTION OFFICE: EDO

AUTHOR: Mr. Gerry Little
AFFILIATION: NJ
ADDRESSEE: CHRM Nils Diaz
SUBJECT: Constituent correspondence - concerns airspace above Oyster Creek Nuclear Generating Station

ACTION: Direct Reply
DISTRIBUTION: RF, SECY to Ack.

LETTER DATE: 05/07/2006

ACKNOWLEDGED: No
SPECIAL HANDLING: Immediate release via SECY/EDO/DPC

NOTES: OCM #8800

FILE LOCATION: ADAMS

DATE DUE: 06/12/2006 **DATE SIGNED:**

EDO --G20060508

OK

THE BOARD OF CHOSEN FREEHOLDERS

OCEAN COUNTY

TOMS RIVER, NEW JERSEY 08754

Gerry P. Little
Freeholder Director



May 7, 2006

Mr. Nils J. Diaz
Commissioner
Nuclear Regulatory Commiss
Washington, DC 20555

Concurrence
NRR / OGC
Clay requested
30-day extension

Dear Commissioner Diaz:

Please find a copy of a May 4, 2006 news article from the Ocean County *Observer*, a New Jersey Daily newspaper here in Ocean County New Jersey.

Drawing your attention to the highlighted section of this news report, you will find our mutual constituent, Mr. Edward Freyendahl, was among individuals who attended a meeting yesterday of the Board of Freeholders.

Mr. Freyendahl outlined his serious concerns about airspace above the Oyster Creek Nuclear Generation Station in Lacey Township. Our constituent frequently is a passenger in private planes flying throughout the Ocean County area. He is troubled that the airspace above Oyster Creek is not restricted, leaving it perhaps vulnerable to accidents or terrorism.

Our recollection of the immediate aftermath of the September 11th terrorist attack is such that a restrictive airspace was established for this facility and, subsequently, removed at some point in time.

While restricting this airspace could not prevent a future event, attack or accident, it may help reduce such risks. If nothing less, it seems that common sense should prevail. Such restrictions at least at relatively low-level altitudes would make sense and would give at least some comfort level to area residents.

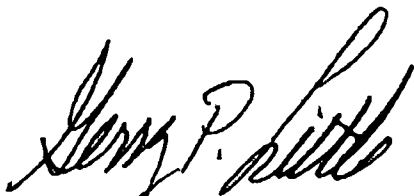
OS MAY 17 4 11 2:
COMMUNICATIONS SECTION

Mr. Niles J. Diaz
May 7, 2006
Page 2

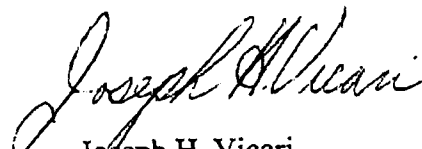
With this in mind, we, respectively, call Mr. Freydendahl's concerns to your attention and would appeal for your thoughtful consideration of this important safety issue for the people of Ocean County.

Thank you for your consideration of this outreach.

Sincerely



Gerry P. Little
Freeholder Director



Joseph H. Vicari
Freeholder

GPL:JHV:cj

Enclosure

cc: Mr. Edward Freydendahl

Thursday, May 4, 2006

Ocean County Observer

Freeholders take heat from nuclear plant opponents

By DON BENNETT
Staff Writer

are seeking a 20-year extension of that license.

TOMS RIVER — Ocean County's freeholders continue to look before they leap into the controversy over whether the nation's oldest nuclear power plant in Lacey Township should keep on humming for another 23 years.

Critics of the Oyster Creek Nuclear Generating Station, who claim it is too old, too tired, too dangerous, too tempting to terrorists, were out in force yesterday to urge the freeholders to join them in urging the Nuclear Regulatory Commission to end the plant's life in 2009, when its current 40-year operating license expires.

The owners of the plant

"We want more information before we take a position," said Freeholder John P. Kelly, who said he has been trying to learn all he can about the plant, the relicensing procedure, even the proposed federal repository for spent nuclear fuel rods at Yucca Mountain, Nev.

Gail Marsh Saxer of Holiday City at Berkeley, president of the League of Women Voters of Ocean County, urged the freeholders to join that group in opposing the license extension.

Kelly said the freeholders remain committed to getting an independent study of the NRC conclusions, even though the



NRC assured him it is independent.

Saxer said the evacuation plan for those who live near the plant is "useless," impossible to carry out because of the number of people who live near it and the congestion of the highways.

"Take a position on this very important issue," she said.

"What a terrible thing we are living under. It's like a volcano," claimed Joan Rubin of Pine Beach, who is the head of the leagues' Energy Committee.

"Nobody has every run a plant this long. We're going to be the Guinea pigs," she added.

Kelly said he wanted to meet with her as part of his effort to learn more about the plant.

He agreed that the roads are not adequate to quickly evacuate people if there is an accident at the plant.

"We have our professionals reviewing it. We're not ready to say close the plant until the facts are in," he said.

He said he has told the NRC he fears that with the nation's leaders advocating more nuclear power plants it may become a rubberstamp in the Oyster Creek license extension. He said the NRC said that is not going to happen.

Edward Freyendahl of Manchester, who used to live in Lacey, said he is concerned because the air-

space over the plant is not restricted.

"I can't fly over Great Adventure but I can fly over the nuclear plant," he said.

He said the NRC told him they cannot restrict the airspace over the plant without impact approaches to the airport in Philadelphia.

Freyendahl said it would take three trips by the Lacey Township bus fleet to get the kids out of the Lacey schools. The NRC solution of calling in buses from other districts south of the plant will not work because they would have to go past the plant to get to the schools, he said.

Freeholder Gerry P. Little agreed to ask the NRC for a no fly zone over the nuclear plant.



OCEAN COUNTY
BOARD OF CHOSEN FREEHOLDERS
OFFICE OF GERRY P. LITTLE
Freeholder Director
P.O. Box 2191, Administration Bldg.
Toms River, NJ 08754-2191

CHIEF CLERK REC'D
06 MAY 17 PM 2:31



Mr. Nils J. Diaz
Commissioner
Nuclear Regulatory Commission
Washington, DC 20555



From: Vonna Ordaz
To: EDO Extension Request
Date: 06/02/2006 6:31:43 PM
Subject: EXTENSION REQUEST - G20060508, "Oyster Creek Nuclear Generating Station Airspace"

NSIR requests an extension from June 12, 2006, to July 17, 2006, to the subject ticket. The reason for the extension is to allow staff time to properly respond. Other higher priority actions arose during the time the staff was to respond to this ticket, including the accelerated Agency review, interoffice coordination, and Agency approval of the National Infrastructure Protection Plan (NIPP), as requested by the Office of the President.

We appreciate your consideration of this extension request.

Thank you,
Vonna
x7419

CC: Alan Madison; Clay Johnson; Leslie Barnett; Richard Turtill; RidsNsirMailCenter

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

To: Zimmerman, NSIR
Ref. G20060508
Due: 6/12/06
Date Printed: May 24, 2006 16:40

PAPER NUMBER: LTR-06-0263

LOGGING DATE: 05/24/2006

ACTION OFFICE: EDO

AUTHOR: Mr. Gerry Little

AFFILIATION: NJ

ADDRESSEE: CHRM Nils Diaz

SUBJECT: Constituent correspondence - followup to May 7, 2006 letter on concerns of airspace above Oyster Creek Nuclear Generating Station

ACTION: Direct Reply

DISTRIBUTION: RF, SECY to Ack.

LETTER DATE: 05/17/2006

ACKNOWLEDGED No

SPECIAL HANDLING: Immediate release via SECY/EDO/SECY

NOTES: References SECY LTR-06-0250

FILE LOCATION: ADAMS

DATE DUE: 06/12/2006

DATE SIGNED:

DSP/SPLB
Alan madison
cys: EDO
DEDMRS
DEDR
DEDIA
AO
NRR
RI

THE BOARD OF CHOSEN FREEHOLDERS

OCEAN COUNTY

TOMS RIVER, NEW JERSEY 08754

Gerry P. Little
Freeholder Director



May 17, 2006

Mr. Nils J. Diaz
Commissioner
Nuclear Regulatory Commission
Washington, D. C. 20555

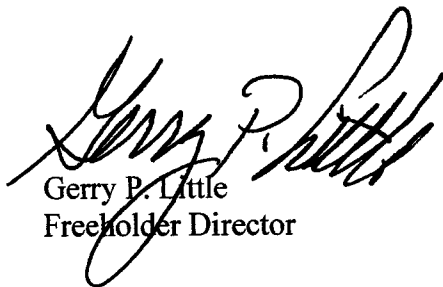
Dear Commissioner Diaz:

This is a follow-up to our initial May 7, 2006 letter to your agency regarding constituent concerns about airspace above the Oyster Creek Nuclear Generating Station here in Ocean County, New Jersey.

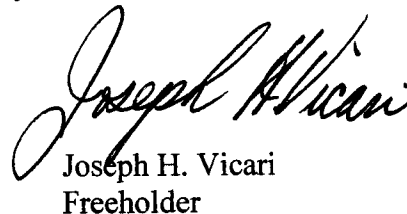
The following clarifications are submitted: any future restrictions the NRC considers should be part of a national policy; they should be designed according to local circumstances so as not to interfere with the operations of local airports to the greatest extent possible; they perhaps need not duplicate the 10-mile radius utilized after September 11, but might cover a tier or a smaller radius; and would, of course, not pertain to military or other official government aircraft, etc.

Thank you for your review of these safety issues.

Sincerely,



Gerry P. Little
Freeholder Director



Joseph H. Vicari
Freeholder

GPL:JHV:cj



SECRETARY

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

May 23, 2006

To: Zimmerman,
NSIR
Ref. G20060508

DSP/SPUB

Mr. Gerry P. Little, Freeholder Director
Mr. Joseph H. Vicari, Freeholder
The Board of Chosen Freeholders
Ocean County
Toms River, New Jersey 08754

Dear Mr. Little and Mr. Vicari:

This is to acknowledge receipt of your letter dated May 7, 2006 to Chairman Diaz concerning airspace above the Oyster Creek Nuclear Generation Station.

A response is under preparation which will be forwarded to you shortly.

Sincerely,


Annette L. Vietti-Cook

January 18, 2002

The Honorable Richard J. Durbin
United States Senate
Washington, D.C. 20510

Dear Senator Durbin:

I am responding on behalf of the U.S. Nuclear Regulatory Commission (NRC) to your letter of November 27, 2001, concerning the reinstatement of "no-fly zones" over the Nation's nuclear facilities.

As you may know, in response to the events of September 11, the NRC has been in regular communication with other Federal agencies, including the Federal Aviation Administration (FAA) and the Department of Defense (DOD). Among the important subjects that have been discussed is the protection of air space over sensitive sites.

Shortly after the September 11 attacks, representatives of the FAA and DOD determined that a Notice To Airman (NOTAM), issued by the FAA, was the appropriate vehicle to protect the air space above sensitive sites. This NOTAM strongly urges pilots "to not circle or loiter over the following sites: Nuclear/Electrical power plants, power distribution stations, dams, reservoirs, refineries, or military installations, unless otherwise authorized by air traffic control or as required to land or depart at towered/non-towered airports." This notice is still in effect. Should additional restrictions be deemed appropriate as a result of changing or more specific threats, our continuous communication with the other Federal agencies will allow prompt coordination.

In light of the difficulty in protecting the numerous specific potential targets of an aircraft attack, the NRC believes that the Nation's resources devoted to protection against terrorist attacks by air should be primarily directed toward enhancing security at airports and within airplanes in flight. The Commission also believes, however, that additional attention should be devoted to assessing the potential vulnerability of sensitive sites, including commercial nuclear facilities. At this time, the NRC staff is evaluating the effects of a deliberate aircraft impact and the resulting fire and explosion on the structural integrity of the reactor containment building and other reactor support facilities. Variables considered in the analyses will include aircraft size and speed, as well as the amount of fuel on board the airplane.

In addition, the NRC is conducting a comprehensive reevaluation of its safeguards and security programs to determine if additional or revised safety or physical protection actions or requirements need to be taken at nuclear power plants, above ground dry cask storage or independent fuel storage installations. If necessary, the NRC will take appropriate actions to implement those measures. In the meantime, NRC, in consultation with the intelligence community, is continually assessing the threat to the nuclear industry and is ensuring that licensees of sensitive nuclear facilities are taking appropriate security measures.

The Commission appreciates your interest in the NRC's actions to ensure appropriate security measures at sensitive nuclear facilities following the September 11 attacks. If you have further questions, please feel free to contact me.

Sincerely,

/RA/

Richard A. Meserve

aircraft impact	Meserve testimony
<p>Many questions have been raised regarding power reactor vulnerabilities to intentional malevolent use of commercial aircraft in suicidal attacks and the potential effects on public health and safety. Although the design of many nuclear power plants considered the probability of accidental aircraft crashes that may pose undue risk to public health and safety, only a few plants were specifically designed to withstand an accidental impact.</p> <p>Nonetheless, it should be recognized that nuclear facilities are among the most hardened industrial facilities in the United States and are massive structures with thick exterior walls and interior barriers of reinforced concrete which are designed to withstand tornadoes (and missiles generated by tornadoes), hurricanes, fires, floods, and earthquakes. In addition, the defense-in-depth philosophy used in nuclear facility design means that plants have redundant and diverse systems in order to ensure safety. This robust design philosophy provides the operators a capability to respond to events of all types, including aircraft attack. It is equally important to note that operators are trained to respond to emergencies of all types.</p> <p>The Commission has directed licensees to develop specific plans and strategies to respond to an event that results in damage to large areas of their plants from explosions or fire. In addition, mitigative measures required by the previously mentioned Orders include assuring the Emergency Plan staffing and associated resources are available to respond to such an event.</p> <p>The Commission is of the view that the efforts associated with enhancing security at airports and on airplanes themselves are an important part of reducing the threat from malevolent use of commercial aircraft for all civilian infrastructure, most of which does not have the robust capacity of a nuclear power plant. The NRC supports the steps taken to improve aircraft security, including enhanced passenger and baggage screening, strengthening of cockpit doors, the Air Marshal program and the federal flight deck officer program under the Arming Pilots Against Terrorism Act. The U.S. intelligence community and various Federal law enforcement agencies have also increased efforts to identify potential terrorists and prevent potential attacks before they occur. For example, the Federal Aviation Administration (FAA) and Department of Defense (DOD) have acted to protect airspace above nuclear power plants from threats -- threats that were later judged to be non-credible.</p> <p>The FAA and DOD also concluded that a Notice To Airmen (NOTAM) was an appropriate means to help control the air space above sensitive sites. The FAA has recently issued a revised NOTAM advising pilots to avoid the airspace above or in proximity to all nuclear power plants and not to circle or loiter in the vicinity of such facilities. The NOTAM advises that pilots who do so can expect to be interviewed by law enforcement authorities at their destination airport and potentially have their names added to the Transportation Security Administration incident reporting system.</p> <p>The NRC is also continuing a major classified research and engineering effort, in conjunction with national laboratories, to evaluate the vulnerabilities and potential effects of a large commercial aircraft impacting a nuclear power plant. This effort includes consideration of reasonable additional preventive or mitigative measures to enhance protection of public health and safety in the event of a deliberate aircraft crash into a nuclear power plant or spent fuel storage facility.</p>	

Flight Restrictions (and No-Fly Zones)	Meserve	Meserve letter to Durbin, 1/18/02	
<p>As you may know, in response to the events of September 11, the NRC has been in regular communication with other Federal agencies, including the Federal Aviation Administration (FAA) and the Department of Defense (DOD). Among the important subjects that have been discussed is the protection of air space over sensitive sites. Shortly after the September 11 attacks, representatives of the FAA and DOD determined that a Notice To Airman (NOTAM), issued by the FAA, was the appropriate vehicle to protect the air space above sensitive sites. This NOTAM strongly urges pilots "to not circle or loiter over the following sites: Nuclear/Electrical power plants, power distribution stations, dams, reservoirs, refineries, or military installations, unless otherwise authorized by air traffic control or as required to land or depart at towered/non-towered airports." This notice is still in effect. Should additional restrictions be deemed appropriate as a result of changing or more specific threats, our continuous communication with the other Federal agencies will allow prompt coordination.</p>			
Flight Restrictions (and No-Fly Zones)	Meserve	Meserve letter to Delahunt, 11/21/01	re: Pilgrim
<p>While I understand, and am sympathetic to, the concerns about the potential economic impacts of TFRs, I must point out that the NRC has no authority or jurisdiction with regard to the issuance of TFRs. The authority to issue TFRs and the attendant responsibility to develop criteria and guidance on TFRs lie with the Federal Aviation Administration (FAA). NRC can and does provide information on NRC-licensed facilities to the FAA, the Department of Justice, the Federal Emergency Management Agency, the Office of Homeland Security, the Department of Defense and other Federal entities involved in the protection of the nation's infrastructure, but the NRC does not have the authority to control the use of the nation's airspace. Consequently, I am not able to respond to your questions concerning the criteria for issuance of TFRs and provisions for local community involvement prior to the implementation of TFRs.</p>			
Flight Restrictions (and No-Fly Zones)	Meserve	Meserve to Markey 6/14/02	6. Will the Commission now ask the FAA to restore no-fly zones around the nation's nuclear power plants?
<p>No. There is no reason to establish no-fly zones in response to a non-credible threat. The NRC has been in regular communication with other federal agencies, including the Federal Aviation Administration (FAA) and the Department of Defense (DOD) concerning the protection of air space over sensitive sites. Shortly after September 11, representatives of the FAA and DOD determined that a Notice To Airman (NOTAM), issued by the FAA, was the appropriate vehicle to protect the air space above sensitive sites. This notice, which advises pilots to avoid loitering or circling sensitive facilities including nuclear power plants, is still in effect. Should additional restrictions be deemed appropriate as a result of changing or more specific threats, our continuous communication with the other federal agencies responsible for establishing no-fly zones will allow prompt coordination.</p>			
Flight Restrictions (and No-Fly Zones)	Travers	Travers letter to N.C. General Assembly, 5/21/02	Has the FAA lifted the 10-mile no-fly zone or changed any of its restrictions on small planes flying near nuclear power plants?
<p>On September 23, 2001, representatives of the FAA, DoD, and NRC met to discuss aviation security and determined that an FAA Notice To Airmen (NOTAM) was the appropriate vehicle to advise pilots about the need to avoid air space above sensitive sites, such as nuclear power plants. The NOTAM subsequently issued on September 26, 2001, and updated by later NOTAMs, strongly urged pilots "to not circle or loiter over the following sites: Nuclear/Electrical power plants, power distribution stations, dams, reservoirs, refineries, or military installations, unless otherwise authorized by air traffic control or as required to land or depart at towered/non-towered airports." This notice is still in effect. On October 30, 2001, the FAA issued another NOTAM which established a 10-mile no-fly zone around certain sensitive areas, including nuclear power plants. This NOTAM has expired but pilots are still cautioned to not loiter near nuclear power plants, in accordance with the NOTAM of September 26, 2001. Should additional restrictions be deemed appropriate as a result of more specific threats, the NRC will coordinate an appropriate response with other Federal agencies.</p>			