



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

October 6, 2006

DOCKETED
USNRC

October 16, 2006 (8:40am)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

SERVED October 16, 2006

Docket No. 50-219-LR

SECRETARY

The Honorable Michael J. Panter
Assemblyman, 12th District
167 Avenue of the Common
Suite 7
Shrewsbury, NJ 07702

Dear Assemblyman Panter:

I am responding to your letter to Chairman Dale E. Klein, dated September 15, 2006, in which you urge the Commission to consider terrorism vulnerability as part of the safety review for the license renewal application for the Oyster Creek Nuclear Generating Station.

Currently, there is a proceeding before an Atomic Safety and Licensing Board with respect to the license renewal application for the Oyster Creek plant. 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: Service List



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MICHAEL J. PANTER
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ENVIRONMENT AND
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VICE CHAIR
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September 15, 2006

Dale E. Klein, Ph.D.
Chairman
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

VIA FAX AND MAIL

Dear Chairman Klein:

It was disheartening and distressing to learn that the Nuclear Regulatory Commission has decided to take a wait-and-see approach on the issue of whether to include terrorism vulnerability as part of the special safety review with respect to the proposed license renewal of the Oyster Creek nuclear power generating facility in New Jersey.

Oyster Creek is the nation's oldest operating nuclear power facility and the main concern surrounding its relicensing, by environmentalists and experts alike, comes from its spent fuel rod pool, which sits outside the plant's reactor containment system. The 40 foot deep pool contains nearly 375 tons of spent, radioactive fuel rods and has a profile 100 feet above ground. The structure around it has a corrugated metal roof instead of the more traditional reinforced concrete dome.

I sincerely doubt AmeriGen's and your commission's contention that the structure could withstand a terrorist attack via airplane. Likewise, the National Academy of Sciences disagrees so strongly with your commission's stance that they published a paper in 2005 warning that a partially or completely successful terrorist attack on the spent fuel pool by plane could be capable of starting a high-temperature fire which could release large quantities of radioactive material into the surrounding area.

During a tour last year, I stood on the top floor of the building where Oyster Creek stores spent fuel rods, and surveyed first-hand the roof and walls that your commission certified able to withstand a direct terrorist attack by plane. I also had the terrible experience of being in lower Manhattan when the terrorist attacks occurred on September 11, 2001. My first-hand experiences lead me to believe that even a small plane could threaten the

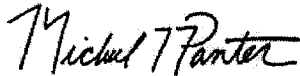
facility. Such an event could potentially release radioactive material into the community around the plant, a community that has grown by leaps and bounds since Oyster Creek first opened 37 years ago.

It is the NRC's position that terror threats are regularly evaluated through "force-on-force" exercises and inspections. However, I see no compelling reason why these exercises and inspections can't be added to the re-licensing review process. Instead of waiting for the Supreme Court to decide questions related to the inclusion of terrorism threats in nuclear reactor safety reviews, the NRC should assert itself in a manner that provides maximum protection for residents in the Oyster Creek area.

As one of your own commissioners, Gregory B. Jaczko, argued in his dissenting opinion regarding Oyster Creek: *"This particular case presents a timely opportunity for the commission to resolve these matters, providing clarity and certainty for the potential increase in licensing reviews the commission may conduct in the next few years."*

Another terrorist attack on U.S. soil is not "remote and speculative," as the NRC has stated. It is a very real danger that we live with every day. If there is even the specter of a chance that relicensing Oyster Creek could create a ripe target for a terrorist attack, that chance must be evaluated as part of the relicensing process. The people of New Jersey deserve – and should expect – no less.

Sincerely,

A handwritten signature in black ink that reads "Michael T. Panter". The signature is written in a cursive style with a large initial "M".

Mike Panter
New Jersey General Assembly
12th Legislative District

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 MICHAEL J. PANTER RESPONDING TO HIS 09/15/06 (ALSO ENCLOSED) URGING THE COMMISSION TO CONSIDER TERRORISM VULNERABILITY AS PART OF ITS SAFETY REVIEW FOR 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
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Administrative Judge
Paul B. Abramson
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Administrative Judge
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Docket No. 50-219-LR
LETTER FROM ANNETTE L. VIETTI-COOK TO MICHAEL J. PANTER
RESPONDING TO HIS 09/15/06 (ALSO ENCLOSED) URGING THE
COMMISSION TO CONSIDER TERRORISM VULNERABILITY AS PART
OF ITS SAFETY REVIEW FOR LICENSE RENEWAL APPLICATION FOR
OYSTER CREEK

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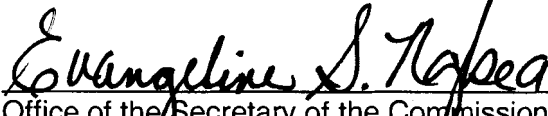
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Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 16th day of October 2006