



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

January 29, 2007

DOCKETED
USNRC

February 5, 2007 (8:27am)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Docket No. 50-219-LR

SERVED February 5, 2007

SECRETARY

The Honorable Jim Saxton
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Saxton:

I am responding to your letter of January 18, 2007, sent to Chairman Dale E. Klein, in which you call for the U.S. Nuclear Regulatory Commission (NRC) both to analyze the potential environmental impacts of a terrorist strike in the Oyster Creek Environmental Impact Statement and to grant the State of New Jersey's request for a hearing on this issue.

An appeal from the Atomic Safety and Licensing Board's February 27, 2006 decision on this matter is currently pending before the Commission. Due to the nature of the Commission's adjudicatory role, I trust you will understand that all members of the Commission must remain impartial during the pendency of this case. It would be inappropriate at this time for any of them to discuss or comment on issues involved in this matter.

A copy of your letter and this response will be served on the participants in the Oyster Creek proceeding.

Sincerely,

A handwritten signature in black ink, appearing to read "Annette Vietti-Cook".

Annette L. Vietti-Cook

cc: Oyster Creek Service List

JIM SAXTON
THIRD DISTRICT NEW JERSEY
WWW.HOUSE.GOV/SAXTON
JOINT ECONOMIC COMMITTEE
CHAIRMAN
RESOURCES COMMITTEE
SUBCOMMITTEES:
FISHERIES AND OCEANS
NATIONAL PARKS



ARMED SERVICES COMMITTEE
SUBCOMMITTEES:
TERRORISM, UNCONVENTIONAL
THREATS AND CAPABILITIES
CHAIRMAN
PROJECTION FORCES
MILITARY PERSONNEL

U.S. House of Representatives
Washington, DC 20515

January 18, 2007

Dr. Dale E. Klein
Chairman
11555 Rockville Pike
Rockville, MD 20852

Dear Dr. Klein:

I write to you today regarding a recent court ruling relating to the security of nuclear power plants.

As you know, on January 16, 2007, the United States Supreme Court denied the appeal request of Pacific Gas and Electric (PG&E) in the case of PG&E v. San Luis Obispo Mothers for Peace. Instead, the highest court let stand a ruling handed down by the Ninth Circuit Court of Appeals in San Francisco. To summarize, the court ruled that when considering an application for a new nuclear power plant, the Nuclear Regulatory Commission (NRC) must require the licensee to include the potential environmental impact of a terrorist strike against the plant in their Environmental Impact Statement (EIS).

As a longtime advocate of increased security at nuclear power plants, I commend the court for issuing this long-awaited ruling. I fully support the need to include such crucial information in an EIS. In addition, I believe these conditions should logically also be met by those wishing to extend their operating licenses.

It is my understanding that an EIS for the Oyster Creek Generating Station in Ocean County, N.J. will be released this Friday. In view of the new ruling, I want to ensure that the potential environmental impacts of a terrorist strike on Oyster Creek were also included in the EIS being released on Friday, or in a required addendum to be released in the near future. While I am aware the NRC takes security-related issues into account on a daily basis, it is critical that in the case of Oyster Creek we have a full understanding of the environmental impacts of a terrorist strike in New Jersey, the most densely-populated state in the union.

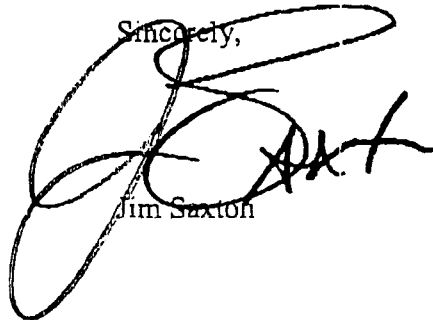
1/22... To OGC to Prepare Response for the Signature of SECY... Due Date: 2/14
Copy to: OCA to Ack, RF...07-0041 (Exparte Communication)

JAN-18-2007 10:05:19 AM Rep: Jim Saxton
JAN 18 2007 10:05:19 AM
Dr. Dale E. Klein
January 18, 2007
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Additionally, it is also my understanding that the NRC had postponed a decision on whether to grant the hearing request of the State of New Jersey on this same subject *until after the decision of the Supreme Court*. Now that this has occurred, I urge the NRC to grant New Jersey's hearing request. It is clear that the decision of the Ninth Circuit Court underlines the fact that terrorism vulnerability needs to be taken into account during the NRC decision-making process.

Thank you for your consideration of my request.

Sincerely,

A handwritten signature in black ink, appearing to be "Jim Saxton", written over a large, stylized circular scribble.

Jim Saxton

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 JIM SAXTON RESPONDING TO HIS 01/18/07 LETTER (ENCLOSED) RE OYSTER CREEK ENVIRONMENTAL IMPACT STATEMENT 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

Steven C. Hamrick, Esq.
Mitzi A. Young, Esq.
Jody C. Martin, 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 CONGRESSMAN
JIM SAXTON RESPONDING TO HIS 01/18/07 LETTER (ENCLOSED)
RE OYSTER CREEK ENVIRONMENTAL IMPACT STATEMENT

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

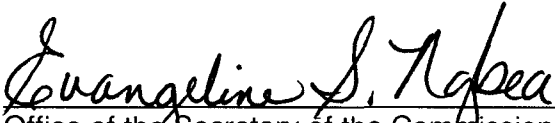
Suzanne Leta
NJPIRG
11 N. Willow St.
Trenton, NJ 08608

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
4300 Warrenville Road
Warrenville, IL 60555

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 5th day of February 2007