

# COUNTY OF OCEAN

BOARD OF CHOSEN FREEHOLDERS

BETTY VASIL  
CLERK OF THE BOARD

732-929-2005  
FAX: (732) 505-1918

March 8, 2007

DOCKETED  
USNRC

March 21, 2007 (8:03am)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

**Docket No. 50-219-LR**

**SERVED March 21, 2007**

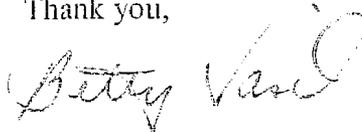
Dale E. Klein, Chairman  
US Nuclear Regulatory Commission  
Washington, DC 20555-0001

Dear Mr. Klein:

On March 7, 2007, the Ocean County Board of Chosen Freeholders adopted a resolution urging the Nuclear Regulatory Commission to reconsider its decision and approve New Jersey's request to hold a hearing on whether the consequences of a terrorist attack on the Oyster Creek Nuclear Power Plant be made part of the plant's relicensing review process.

Enclosed please find a certified copy of the resolution for your use and files.

Thank you,



Betty Vasil  
Clerk of the Board

BV:pc  
Enclosure



## RESOLUTION

March 7, 2007

Whereas, the Ocean County Board of Chosen Freeholders, has consistently maintained its position that the Nuclear Regulatory Commission needs to be diligent in evaluating security issues as part of the relicensing process at the Oyster Creek Nuclear Generating Station in Lacey Township, and

Whereas, this Board has stated in no uncertain terms that the safety and security of a plant as it affects the workers and public needs to play a significant part in the relicensing review process, and

Whereas, the Oyster Creek Nuclear Generating Station is the oldest operating nuclear plant in the county and will approach its anticipated design life of 40-years at the end of the current licensing period in 2009, and

Whereas, the Nuclear Regulatory Commission, recently decided to deny the state of New Jersey's request for a hearing on whether the consequences of a terrorist attack on the Oyster Creek nuclear power plant should be made part of that relicensing review, and

Whereas, this decision by the NRC is in stark contrast to the agency's stance on the risk of a terrorist attack and the steps taken after Sept. 11, 2001, to bolster security at the nation's 103 reactors, and

Whereas, terrorism continues to be a very real concern for facilities such as Oyster Creek and must be taken into consideration by the NRC in its deliberations, and

Whereas, the NRC's failure to comply with the state's request for a hearing which was based on the National Environmental Policy Act shows a total disregard for the concerns raised by the public and for those agencies entrusted to provide for the public's safety, and

Whereas, this Board of Freeholders continues to maintain the importance of a staunch review of terrorism as it relates to security at Oyster Creek.

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 reconsider its decision and approve New Jersey's request to hold a hearing on whether the consequences of a terrorist attack on the Oyster Creek Nuclear Power Plant be made part of the plant's relicensing review process.
2. In the absence of this reconsideration, this Board of Freeholders urges the state of New Jersey to appeal the NRC's decision to the 3<sup>rd</sup> U.S. District Court of Appeals so that the question of terrorism can be treated equally across the country.

3. Certified copies of this Resolution shall be forward to United States Senator Robert Menendez; United States Senator Frank R. Lautenberg; U.S. Rep. Christopher H. Smith; U.S. Rep. H. James Saxton; Gov. Jon Corzine; 9<sup>th</sup> District Sen. Leonard T. Connors Jr., 9<sup>th</sup> District Assemblymen Christopher J. Connors and Brian E. Rumpf; Dale E. Klein, Chairman, Nuclear Regulatory Commission; Lisa P. Jackson, Commissioner, New Jersey Department of Environmental Protection; Ocean County Board of Chosen Freeholders; Timothy Rausch, Site Vice President, Oyster Creek Nuclear Generating Station; Gail Marsh Saxer, President, League of Women Voters of Ocean County; Cheryl Rundle-Borowski; Janet Tauro.

### ROLL CALL

(Moved by Lacey, Seconded by Little)

AYES: Little, Lacey, Bartlett, Vicari, Kelly

NAYS: None

ABSENT: None

I certify the foregoing to be a  
True copy of a Resolution *Accepted*  
By the Board of Chosen Freeholders  
of the County of Ocean on the  
*7th* day of *March*, 20*07*  
*Betty Vasil*  
Betty Vasil  
Clerk of the Board

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 BETTY VASIL TO CHAIRMAN DALE E. KLEIN ENCLOSING THE OCEAN COUNTY BOARD OF CHOSEN FREEHOLDERS RESOLUTION RE NEW JERSEY'S HEARING REQUEST 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  
Paul B. Abramson  
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

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  
Anthony J. Baratta  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
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 BETTY VASIL TO CHAIRMAN DALE E. KLEIN  
ENCLOSING THE OCEAN COUNTY BOARD OF CHOSEN  
FREEHOLDERS RESOLUTION RE NEW JERSEY'S HEARING REQUEST

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

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

Ron Zak  
New Jersey Department of  
Environmental Protection  
Nuclear Engineering  
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Jill Lipoti, Director  
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Environmental Protection  
Division of Environmental Safety and Health  
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Trenton, NJ 08625-0424

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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 21<sup>st</sup> day of March 2007