

April 10, 2007

Mr. Russell W. Goyette  
7 Strathmere Street  
Waretown, NJ 08758-2651

Dear Mr. Goyette:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated February 26, 2007, regarding the NRC's review of the Oyster Creek Nuclear Generating Station License Renewal Application. In your letter, you stated that the license renewal application is faulted and incomplete because many concerned and affected people (1) have not been able to participate in the public hearings, and (2) have no knowledge of the emergency siren and evacuation drills. You also cite the dismissal of a New Jersey state employee.

With the exception of your issue regarding the New Jersey state employee, I have responded to your other issues by letters dated October 10, 2006, December 6, 2006, and February 7, 2007.

In response to your letter to me dated August 25, 2006, (Accession No. ML062560021), I explained in a letter dated October 10, 2006, (Accession No. ML062650288), how the NRC protects public health and safety, the reasons security and evacuation plans are outside the scope of license renewal, and the opportunities for public citizens to participate in licensing hearings and in NRC reviews of license renewal applications. Let me again assure you that the NRC takes its public health and safety mission and regulatory responsibilities very seriously. The NRC staff's review of the Oyster Creek license renewal application will determine whether the application satisfies applicable regulatory requirements.

The NRC follows a formal and public process that affords the public the opportunity to participate in the review of license renewal applications. We hold public meetings near each plant requesting a renewed license, and we encourage public participation. The NRC has held twelve public meetings regarding the re-licensing of Oyster Creek. Of these, eight have been in the vicinity of the plant location. For each meeting, the NRC publishes a schedule with an agenda, and a contact person. The public is allowed to make special requests for accommodations, which the agency will try to fulfill. We did not receive any requests for special accommodations, therefore, the NRC was not aware of any specific needs.

Your concerns about emergency planning are relevant to the safety and security of the public. As described in my previous letters, this issue is not reviewed in license renewal because it is addressed on an ongoing basis for all licensed nuclear power plants. The NRC considered the need to review emergency preparedness issues, specifically for license renewal, during its rulemaking proceedings for 10 CFR Part 54, "Requirements for Renewal of Operating Licenses for Nuclear Power Plants." Every nuclear power plant licensee must meet emergency preparedness regulations, regardless of plant design, construction, or license expiration date. The NRC continually reviews existing emergency preparedness plans to ensure that they account for changes in demographics and other site-related factors. As such, the NRC determined that other regulations address emergency preparedness and that special license renewal reviews are not necessary.

In response to your letter to me dated December 6, 2006, (Accession No. ML063240600), I

explained in a letter dated February 7, 2007, (Accession No. ML0701902921), the NRC's role in emergency preparedness. Federal oversight of nuclear power plant emergency preparedness is the responsibility of the NRC and the Federal Emergency Management Agency (FEMA). The NRC evaluates whether the onsite plant emergency plans are adequate to protect public health and safety; FEMA evaluates whether State and local governments have adequate offsite resources and plans for emergency evacuation and response. In addition, State and local government officials are responsible for deciding and implementing the overall appropriate protective actions for the public during a radiological emergency. Licensees participate in required biennial, full-scale, FEMA-graded emergency exercises. The NRC and FEMA together determine the exercise requirements for the licensees and State and local governments, and evaluate both onsite and offsite emergency preparedness capabilities. Oyster Creek conducted its last emergency exercise on September 12, 2006. The next exercise is scheduled for May 8, 2007. FEMA evaluates evacuation plans and works with the New Jersey Office of Emergency Management to prepare for, respond to, and recover from disasters. For more information, please contact these agencies directly, or visit the FEMA Web site at <http://www.fema.gov> and the New Jersey Office of Environmental Management Web site at <http://www.state.nj.us/oem/county>.

For specifics on your particular situation, we would respectfully suggest that you contact emergency management officials responsible for radiological emergency preparedness in your community. Please contact Mr. Jerry Renner, Supervising Planner, Radiological Emergency Response Planning Unit of the NJ State Police Emergency Management Division by phone at (732) 341-3451 or in writing at PO Box 7068, West Trenton, NJ 08628 for more information.

With regards to your third issue, the dismissal of a New Jersey state employee from his position, the New Jersey Department of Environmental Protection is his employer. The NRC is not involved in employee decisions at the New Jersey Department of Environmental Protection.

The NRC regulates in accordance with applicable laws and regulations and its oversight assures adequate protection of public health and safety, the environment, and promotion of the common defense and security. The most recent "Safety Evaluation Report Related to the License Renewal of Oyster Creek Generating Station," dated December 29, 2006, can be found in the Agencywide Documents Access and Management System under Accession No. ML063630424.

I trust that this information is responsive to your letter.

Sincerely,

**/RA BABoger for/**

J. E. Dyer, Director  
Office of Nuclear Reactor Regulation

cc: See next page

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Sincerely,  
**/RA BABoger for/**  
 J. E. Dyer, Director  
 Office of Nuclear Reactor Regulation

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Letter to R. Goyette from J.E. Dyer, dated April 10, 2007

SUBJECT: Y020070067 - REVIEW OF OYSTER CREEK LICENSE RENEWAL  
APPLICATION

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