



SECRETARY

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

May 29, 2007

DOCKETED  
USNRC

May 29, 2007 (5:00pm)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

SERVED May 30, 2007

The Honorable Leonard T. Connors, Jr.  
The Honorable Christopher J. Connors  
The Honorable Brian E. Rumpf  
State of New Jersey  
9<sup>th</sup> District Legislative Offices  
620 West Lacey Road  
Forked River, New Jersey 08731

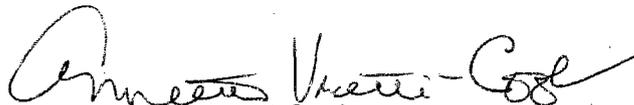
Dear Messrs. Connors, Jr.; Connors; and Rumpf:

This is to acknowledge receipt of your letter dated May 4, 2007, addressed to Chairman Dale E. Klein where you expressed concern over the exclusion of the parties and their representatives to make statements during the Oyster Creek Limited Appearance Sessions scheduled for May 31, 2007. Specifically, your concern is with respect to the Atomic Safety and Licensing Board's (ASLB) actions in this matter.

Under the Nuclear Regulatory Commission procedural rules for adjudications, the Commission has an appellate role in the proceedings commenced before its ASLB. Because of that role, I trust that you will understand that it would be inappropriate for the Commission to discuss or comment on issues involved in the adjudication.

At the request of the ASLB, your letter is being treated as a Limited Appearance Statement and will be placed on the Oyster Creek proceeding docket. A copy of this response will also be placed on the docket and served on the parties to the proceeding.

Sincerely,

  
Annette L. Vietti-Cook

cc: Service List



STATE OF NEW JERSEY

LEONARD T. CONNORS, JR.  
SENATOR—8TH DISTRICT

9TH DISTRICT LEGISLATIVE OFFICES  
620 WEST LACEY ROAD  
FORKED RIVER, NJ 08721  
18081 693-6700  
(732) 240-0266

CHRISTOPHER J. CONNORS  
ASSEMBLYMAN—9TH DISTRICT  
BRIAN E. RUMPF  
ASSEMBLYMAN—9TH DISTRICT

May 4, 2007

Mr. Dale E. Klein, Chairman  
U.S. Nuclear Regulatory Commission  
Office of Public Affairs (OPA)  
Washington, DC, 20555

*\*Transmitted via fax and by regular mail\**

**RE: OYSTER CREEK NUCLEAR POWER GENERATING STATION – MAY 31, 2007 PUBLIC SESSION**

Dear Chairman Klein:

The purpose of this letter is to strongly convey our disappointment in the NRC's decision to place restrictions on those who may speak at the May 31, 2007 scheduled public session held by the Atomic Safety and Licensing Board regarding the license renewal of the Oyster Creek Nuclear Power Generating Station.

It is our understanding that certain individuals affiliated with organizations involved with a contention against the station's license renewal will not be permitted to speak. Consequently, this would apply to environmental groups as well as AmeriGen, the station's owner. As the State Representatives of the station's home municipality and surrounding areas, we urge the NRC to lift these restrictions on the grounds that such an exclusionary policy erodes the spirit and integrity of the public hearing process.

Excluding any segment of the community would be both counterproductive and unwarranted. In this case, two of the parties removed from the process are both knowledgeable and intricately involved with the complexities of the renewal process as well as related aspects concerning the facility. Without their participation, it is unlikely this currently limited open public discussion will meet its potential to serve as an informational meeting and/or engage the general public in the dynamics of the renewal process. In all probability, it is more likely that prohibiting participation among selected groups will elicit feelings of distrust and discontentment among those with an active interest, most especially residents of communities in proximity to the station.

Already, we have heard from residents frustrated with the NRC's decision to reject a request adopted through resolution by the Ocean County Freeholder Board to hold a hearing on whether the potential of a terrorist attack at the Oyster Creek facility should be among the specified aspects of consideration in the re-licensing process. Compounded by the NRC's opposition to deny the request by Ocean County Freeholder Jack Kelly on behalf of the Board for such a hearing, we fear that if the restrictions placed on the May 31 session are not reconsidered and lifted, it will only add to the already existing public discontentment on this extremely contentious issue.

Mr. Dale E. Klein  
May 4, 2007  
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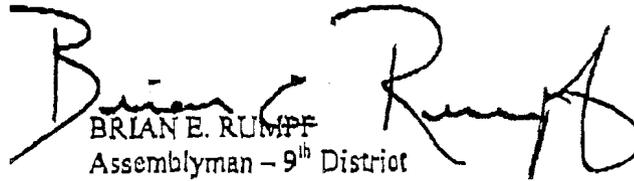
At this time, we would also like to take this opportunity to communicate the position held by our Delegation with regard to the re-licensing process which would grant a 20-year extension for the plant to operate. We oppose the license renewal for the continued operation of the Oyster Creek Nuclear Generating Station without an objective, independent risk and vulnerability assessment which guarantees the safe operation of the plant. Furthermore, any license renewal should be of shorter duration (preferably no more than five years) which guarantees continued assessment and input from the public as well as the industry.

Thank you, in advance, for your attention to this important request. It is our sincere hope that the NRC will reconsider and allow anyone from the public to speak at the scheduled May 31 session. We look forward to your timely response.

Sincerely,

  
LEONARD T. CONNORS, JR.  
Senator - 9<sup>th</sup> District

  
CHRISTOPHER J. CONNORS  
Assemblyman - 9<sup>th</sup> District

  
BRIAN E. RUMPF  
Assemblyman - 9<sup>th</sup> District

LTCJR/CJC/BER/js:km

Cc: Ocean County Freeholder 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 ANNETTE L. VIETTI-COOK TO THE HONORABLE LEONARD T. CONNORS, JR; THE HONORABLE CHRISTOPHER J. CONNORS; AND THE HONORABLE BRIAN E. RUMPF IN RESPONSE TO THEIR LETTER DATED 05/04/07 (ATTACHED) 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  
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Washington, DC 20555-0001

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Donald J. Silverman, Esq.  
Kathryn M. Sutton, Esq.  
Alex S. Polonsky, Esq.  
Morgan, Lewis, & Bockius LLP  
1111 Pennsylvania Ave., NW  
Washington, DC 20004

Docket No. 50-219-LR  
LETTER FROM ANNETTE L. VIETTI-COOK TO  
THE HONORABLE LEONARD T. CONNORS, JR;  
THE HONORABLE CHRISTOPHER J. CONNORS;  
AND THE HONORABLE BRIAN E. RUMPF IN  
RESPONSE TO THEIR LETTER DATED 05/04/07(ATTACHED)

Bradley M. Campbell, Commissioner  
New Jersey Department of  
Environmental Protection  
P.O. Box 402  
Trenton, NJ 08625-0402

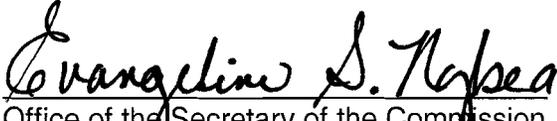
Jill Lipoti, Director  
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Trenton, NJ 08625-0424

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Environmental Permitting &  
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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 30<sup>th</sup> day of May 2007