

**Statement of the Ocean County Board of Chosen Freeholders
John P. Kelly, Freeholder Director
May 31, 2007**

Atomic Safety and Licensing Board Limited Appearance Meeting
Ocean County Administration Building, Toms River, New Jersey

Re: Oyster Creek Nuclear Generating Station, Lacey Township, New Jersey

Docket No. 50-219-LR
ASLBP No. 06-844-01-LR

Good Afternoon, I am presenting for the record, comments on behalf of the Ocean County Board of Chosen Freeholders and its Director John P. Kelly. As Director of Law and Public Safety, Freeholder Kelly has closely monitored, for the Board, the re-licensing procedures for the Oyster Creek Generating Station.

Throughout this process, there have been concerns expressed to the Board of Chosen Freeholders by residents and officials of this County regarding safety and security issues at Oyster Creek. These concerns, including onsite storage of spent fuel, evacuation plans, the quality and integrity of the original plant construction, and security, especially related to the threat of terrorism, have been forwarded to the Nuclear Regulatory Commission (NRC). On April 18, 2007, this Board of Chosen Freeholders passed a Resolution urging the NRC to reverse its current position and include an evaluation of terrorism threats in its re-licensing review process. The County is prepared to join the State of New Jersey in a judicial review of this issue. As recently as May 24, 2007, Director Kelly and the County Administrator met with the NRC's State Liaison Officer and Senior Resident Inspector for an update on these issues.

During the re-licensing process for the Oyster Creek Generating Station this Board has heard from both supporters and critics of the re-licensing application. The Board appreciates the contribution of the Oyster Creek facility to the local energy grid and to the local economy. The Freeholders have also heard continuing concerns from residents and local organizations regarding the safety and reliability of the facility. It was the first and is now the oldest operating commercial nuclear facility in the country.

The Board has not taken a position opposing or supporting the plant's relicensing because we are relying on the NRC as the sole regulatory agency authorized to provide a decision following a full and thorough review of all the issues and concerns that have been raised whether by this Board or by our residents. This Board has fully participated in the review process so far and has diligently worked to make certain the concerns and issues have been heard and are addressed. It's imperative the NRC's decision takes all this into consideration.

It is understood that the scope of this meeting is limited to the integrity of the drywell liner below the sand bed region and the ultrasonic testing methods proposed by Amergen, the owners of the facility. In that regard, there appear to be two major concerns that have been expressed to the Board and appear to have not been addressed to date by the federal regulating body that ultimately will determine whether the license to operate Oyster Creek is renewed. It is the board's obligation to make certain these questions are not only posed to the NRC but are satisfactorily addressed by this body prior to its rendering a decision on the relicensing.

The first issue of concern is the current integrity of the drywell liner as measured by two recent but separate rounds of testing. There is ongoing concern over various data regarding the actual thickness of the liner and whether adequate testing can be done to ensure that the proper thickness threshold is maintained. These results need to be adequately explained to the public. It is apparent from the May 23 Annual Performance Report meeting in Toms River, that there is still sharp disagreement over this issue. Amergen's proposed periodic testing program cannot be considered appropriate if uncertainty remains regarding the current thickness and safety of the drywell liner. The NRC must determine that the plant is not only safe to operate now but also 20 years into the future. And, this decision needs to be adequately understood and supported by the public to resolve the concerns about safety and health issues.

The second issue pertains to documented leaks associated with the drywell liner. The NRC's position is that it is satisfied that the leak has subsequently been addressed following the application of sealer to the liner. However, the source and reason for the original leak do not appear to have been determined. Until this information is discovered and properly explained, the mere application of sealer does not eliminate a serious concern. Again it is the responsibility of the NRC to ensure that the application of sealer eliminates this serious concern and that they are fully satisfied, as should be the public, that the problem is resolved.

Other points of concern brought to the Board of Freeholders and which have certainly been placed on the record are issues with the initial quality of the construction of the drywell floor, the steel liner and the sand bed floor. The NRC needs to adequately explain that these portions of the facility, which were given approval when the plant first began operating in 1969, continue to meet the appropriate safety standards. This is particularly important because many of the suspected flawed or corroded areas are not easily accessible and are difficult to adequately inspect or test.

As stated earlier, the Ocean County Board of Chosen Freeholders appreciates the contributions of the Oyster Creek Generating Station to the community. However, questions remain as to the ability of this facility to continue

safe operations beyond the current licensing period. The public has the right to raise concerns regarding the drywell liner and other safety related issues. It is the responsibility of the NRC to assess all of these concerns and adequately respond to them prior to the decision on re-licensing.

Thank you for the opportunity to present these comments outlining the ongoing concerns of our residents and the Ocean County Board of Chosen Freeholders.

DOCKETED
USNRC

June 13, 2007 (11:10am)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Docket No. 50-219-LR