



SECRETARY

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

February 27, 2006

DOCKETED
USNRC

March 1, 2006 (9:28am)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

SERVED March 1, 2006

Docket No. 50-219-LR

The Honorable Robert Andrews
U.S. House of Representatives
Washington, D.C. 20515-3001

Dear Congressman Andrews:

I am responding to your letter to Chairman Nils J. Diaz, dated February 6, 2006, in which you urge the Commission to attempt to ensure that requests for a public hearing regarding the license renewal application of the Oyster Creek Nuclear Generating Station are granted and also to schedule public appearances at an evening meeting to be held within the Emergency Planning Zone of the plant.

Under Nuclear Regulatory Commission procedural rules for adjudications, the Commission has an appellate role in proceedings commenced before its Atomic Safety and Licensing Boards. Because of that role, I trust that you will understand that all members of the Commission must remain impartial during the pendency of a case, whether it is before a Licensing Board or on appeal to the Commission, and that it would be inappropriate for any of them to discuss or comment on issues involved in this matter.

A copy of your letter and this response will be placed on the Oyster Creek hearing docket and served on the parties to the proceeding.

Sincerely,

A handwritten signature in cursive script, appearing to read "Annette Vietti-Cook", is written over the typed name.

Annette L. Vietti-Cook

cc: Oyster Creek Service List

ROBERT E. ANDREWS

FIRST DISTRICT, NEW JERSEY

COMM. FILED

EDUCATION AND THE WORKFORCESenior Manager, Democrat, Subcommittee on
Employment/Employee Relations

Member, Subcommittee on Education Reform

ARMED SERVICES

Member, Subcommittee on Military Personnel

Member, Subcommittee on Terrorism,
Unconventional Threats and Capabilities

Congress of the United States
House of Representatives
 Washington, DC 20515-3001

PLEASE REPLY TO:

- ☐ 2439 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-6501
- ☐ 506-A WHITE HORSE PIKE
HADDON HEIGHTS, NJ 08035
(856) 546-5100
- ☐ 60 NORTH BROAD STREET
WOODBURY, NJ 08096
(856) 848-3900

WEBSITE:

www.house.gov/andrews

February 6, 2006

The Honorable Nils J. Diaz, Chairman
 Nuclear Regulatory Commission
 Room 18H1
 One White Flint North Bldg
 11555 Rockville Pike
 Rockville, MD 20852-2738

Re: Proposed Renewal of the Operating License for Oyster Creek Nuclear Generating Station, Docket No.
 50-219-LR

Dear Chairman Diaz,

As you know, in July 2005, Exelon submitted an application a 20-year extension of its license to operate the Oyster Creek Nuclear Generating Station, located in Lacey Township, New Jersey. It is imperative that before a license extension is granted, that every measure is taken to ensure that critical safety measures at the reactor are effective and will remain so for the duration of the license extension. Furthermore, it is not enough to verify this internally; the public must be assured that they are safe and that the Nuclear Regulatory Commission has been diligent in its duty of ensuring the reliability of plant security and safety.

I have been informed that a coalition of public interest groups has petitioned for a public hearing on the issue of corrosion in a safety critical reactor component. Further, the Department of Environmental Protection of the State of New Jersey has raised concerns on three other safety issues and also requested a hearing. Despite these concerns, NRC staff has argued that a public hearing is not required. I believe that the state and the citizen groups are correct in their contention that hearings will give the public deserved assurances that their safety is being fully considered. A public hearing will allow all concerned to present arguments based on full information in an open forum. I therefore urge you to do everything you can to ensure that the requests for a public hearing are granted.

The issue of extending the license of Oyster Creek has attracted a broad spectrum of public and media interest and therefore warrants the opportunity for the general public to air its views on this licensing proceeding. I therefore request that an Opportunity for Limited Public Appearances be scheduled within the Emergency Planning Zone of the nuclear plant at a convenient evening hour so as to establish a public transcript in such a proceeding.

This is an issue that affects not only New Jerseyans, but many of our neighbors and far beyond. Thank you in advance for your attention to this important matter. Please contact David Weinreich in my office about your decision, or with any questions you may have.

Sincerely,



Robert Andrews
 Member of Congress

REA:dw

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 ANDREWS RESPONDING TO HIS 02/06/06 LETTER (ALSO ENCLOSED) REGARDING THE OYSTER CREEK PROCEEDING 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

Ann P. Hodgdon, Esq.
Daniel Hugo Fruchter, 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 ANDREWS RESPONDING TO
HIS 02/06/06 LETTER (ALSO ENCLOSED) REGARDING
THE OYSTER CREEK PROCEEDING

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

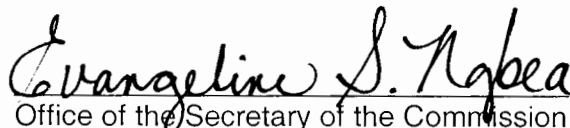
Suzanne Leta
NJPIRG
11 N. Willow St.
Trenton, NJ 08608

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
200 Exelon Way, Suite 200
Kennett Square, PA 19348

John A. Covino, Esq.
Deputy 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 1st day of March 2006