



UNITED STATES
NUCLEAR REGULATORY COMMISSION
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Letter to Editor
Asbury Park Press
New Jersey

An editorial in the Aug. 27th edition of the Asbury Park Press argues that the U.S. Nuclear Regulatory Commission has, in your words, “stacked the deck” against those interested in a thorough review of the license renewal application for the Oyster Creek nuclear power plant.

In essence, your newspaper contends that a 60-day window to request a hearing on the proposal is inadequate for a review of the application and the formulation of concerns.

While we disagree with your characterization of our review process, the editorial also suffers from some missing context and several factual inaccuracies. I would like to highlight some facts involving the license renewal process in general and the Oyster Creek application in particular:

- It is true the period for seeking a hearing on the application will begin sometime in the near future and last roughly two months. However, the proposal was submitted to the NRC on July 22 and made available on the agency’s web site (www.nrc.gov) on July 28.

Anyone so interested would have had the ability to go online starting on that date, review the associated documents and determine whether they had any concerns pertaining to the two key areas scrutinized under the license renewal process: the managing of aging effects at the plant and the environmental impacts of an additional 20 years of operation.

In addition, a paper copy of the application is available for review at the Lacey Branch of the Ocean County Library and the NRC staff had both hard copies and CD versions of the application available at our Aug. 24th public meeting in Lacey Township.

We are making a concerted effort to get the application to the public in order to allow concerned stakeholders to review it and provide comments.

What’s more, the submittal of the application did not constitute the first notice that AmerGen Energy Co., the plant’s owner, planned to pursue license renewal for the facility. In a press release dated Feb. 19, 2004, the company announced its intention to

seek an extension of its current 40-year operating license and that fact has been widely reported in the Press and elsewhere.

The NRC has two Resident Inspectors at Oyster Creek and specialists who are constantly assessing the plant's performance. As with the license renewal application, their reports are available on the NRC's web site. Members of the public have for many years had the ability to read those reports online and convey to the agency any concerns they might have with regard to safe operation of the facility.

- The suggestion that a 60-day hearing request period represents a "tight deadline" does not account for the fact that many branches of government use the same window for the handling of all manner of important reviews. A quick Internet search reveals several examples: the New Jersey Department of Environmental Protection (DEP) used such a timeframe in 2003 when it sought comments on proposed stormwater controls; the U.S. Environmental Protection Agency (EPA) did the same for comments on proposed rules for reducing emissions from power plants; and so did the U.S. Federal Aviation Administration (FAA) for temporary flight restriction regulations in the vicinity of aerial demonstrations or major sporting events.

In the case of the DEP, a press release noted that the agency was confident the 60-day period afforded "ample public input on the rules." As for the FAA, the agency was asked to extend the period and declined, stating it determined there was sufficient time for review of and comment on the proposed rules.

Like other governmental entities, the NRC seeks to balance the need to provide the public with an opportunity for expressing concerns with the efficient and timely handling of licensing actions. With the experience of nearly three dozen now-completed license renewal reviews, we have found the 60-day period meets those objectives.

- The editorial asserts that the NRC should stretch out the deadline for hearing requests until the agency has issued its "preliminary findings" on the application. Some perspective is in order.

Our current timeframes for reviewing license renewal applications is about 22 months if there is no hearing involved and roughly 30 months if one does take place. As previously mentioned, there are two primary areas of review for license renewal applications.

Using the Millstone nuclear power plant as an example, the application for that plant was received on January 22, 2004. The draft version of the NRC's environmental impact report for that Connecticut site was not issued until Dec. 3, 2004. Meanwhile, our initial version of the Safety Evaluation Report for the facility, which looked at aging management for key safety systems, was not issued until Feb. 24, 2005. Extending the hearing request window by more than a year would be neither practical nor prudent.

- The editorial also recommends that the NRC defer any decision on the Oyster Creek

application until the rules governing license renewals can be broadened to include other areas, such as emergency planning and spent fuel storage and transportation.

The NRC has received petitions seeking to make such changes to our regulations, and the agency has an established, proven process for evaluating such requests. But to hold our review of the Oyster Creek application in abeyance while that process plays out would, again, be neither practical nor prudent.

It's worth noting that the rules on license renewal were developed over many years, with input from the public, government officials and industry. We maintain that they capture those elements essential to safe operation during an extension period. Other aspects of plant operation have and will continue to be inspected on an ongoing basis.

- An assertion that the NRC has repeatedly resisted efforts “not mandated by law” to improve the safety margins at Oyster Creek, or to respond to concerns about the plant remaining in service for another two decades, is simply not true.

The NRC is always searching for ways to enhance nuclear plant safety and performance. For instance, we issued a series of orders following the 9/11 attacks that have led to a great strengthening of plant security programs. But more to the point, the agency strives, through its inspection program, to ensure there is no degradation in the significant safety margins already in place.

The NRC has and will continue to respond to concerns about extending the plant's license. Indeed, anyone who attended our Aug. 24th public meeting on the review process would have learned a great deal about the many ways in which we seek input.

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U.S. Nuclear Regulatory Commission.