



## State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

P.O. BOX 402  
401 EAST STATE STREET  
TRENTON, NJ 08625-0402

CHRIS CHRISTIE  
*Governor*

KIM GUADAGNO  
*Lt. Governor*

BOB MARTIN  
*Commissioner*

### ADMINISTRATIVE ORDER NO. 2011-06

WHEREAS, the Department and Exelon Generation Company (Exelon), LLC entered an Administrative Consent Order (ACO) on December 9, 2010; and

WHEREAS, the ACO requires Exelon to terminate operations at the Oyster Creek Generating Station ("Station" or "facility") on or before December 31, 2019; and

WHEREAS, the ACO requires Exelon to maintain the facility throughout its period of operation in a manner that ensures operation is fully in accord with its permits and consistent with the operating license issued by the United States Nuclear Regulatory Commission (NRC); and

WHEREAS, staff from the Department's Bureau of Nuclear Engineering routinely accompany NRC employees during inspections of the facility; and

WHEREAS, an independent safety advisory panel will enhance existing Department oversight to ensure compliance with Department requirements, track progress of commitments under the ACO, and provide additional assurances to the public;

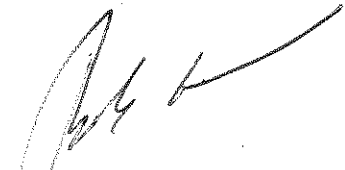
NOW, THEREFORE, I Bob Martin, Commissioner of the Department of Environmental Protection, pursuant to the authority vested in me by the enabling legislation of the Department of Environmental Protection (N.J.S.A. 13:1D-1 et seq.) do hereby direct and order the following:

1. There is created Oyster Creek Safety Advisory Panel (Advisory Panel) to assist the Department with the evaluation of the continued safe operation, decommissioning planning, and cessation of operations at the Oyster Creek Generating Station. The Advisory Panel shall consist of the following three members:
  - a. The Commissioner of the Department or his or her designee who shall serve as Chair;
  - b. The Director of the Office of Homeland Security and Preparedness or his or her designee; and
  - c. An independent consultant expert in nuclear safety appointed by the Commissioner.

2. The Commissioner shall select a consultant to be on the Advisory Panel after consultation with community and environmental groups, but the consultant will ultimately be selected at the sole discretion of the Commissioner and shall be an agent of the Department, subject to all our confidentiality restrictions and those which are contained in the Department's agreement with the Nuclear Regulatory Commission (NRC) regarding state participation in the NRC inspection process. Subject to confidentiality, the consultant will be empowered to have dialogue with various interest groups to learn of their concerns and to share information. The independent consultant expert shall serve at the discretion of the Commissioner.
3. The Advisory Panel shall:
  - a. Review facility safety operations, decommissioning planning, and compliance with the ACO and make appropriate recommendations for improvements or further evaluation;
  - b. Issue reports on review findings, at a minimum, annually;
  - c. Seek public input and communicate findings and concerns;
  - d. Hold annual public hearings to disseminate and discuss the annual report; and
  - e. Meet as required to fulfill the requirements of this Administrative Order.
4. Staff from the Department will serve as staff to the Advisory Panel. The Advisory Panel can suggest to the Department staff what issues are of concern and the Department will attempt to address those concerns through staff's existing participation in NRC inspections and existing Department authority to review records and conduct independent inspections.
5. Upon recommendation of the Advisory Panel, the Department will request the NRC to inspect matters that are of interest during their inspections.
6. Upon recommendation by the Advisory Panel, the Department may seek Exelon Corporation's approval to bring members of the Advisory Panel on site at Oyster Creek to partake in independent inspections, or, with the additional approval of the NRC, to participate in NRC inspections.
7. The Department staff shall report back to the Advisory Panel after participating in NRC or other inspections of Oyster Creek. The Advisory Panel shall issue an annual report on their findings concerning safety issues. A copy of the report shall be sent to Exelon and to the NRC. The report shall only be released to the public after the NRC has published its reports of any NRC inspections that overlap in scope with the issues covered by the Advisory Panel report consistent with the existing agreement between the Department and the NRC. Exelon may be given an opportunity to comment on the report before it is released to the public. The draft and final reports and Exelon's comments shall be made public.

This Order shall take effect immediately.

Date: 5/6/2011

  
\_\_\_\_\_  
Bob Martin, Commissioner