November 27, 2002

The Honorable Leonard T. Connors, Jr.
Senator - 9th District
9th District Legislative Offices
620 West Lacey Road
Forked River, NJ 08731

Dear Mr. Connors:

By copy of your October 31, 2002, letter to Bernadette M. Park, Township Clerk of Stafford Township, you formally presented an October 15, 2002, Township Resolution to the Nuclear Regulatory Commission (NRC) and requested the NRC to "conduct a comprehensive investigation into this [September 23, 2002, fish kill] event and to institute every necessary safeguard to prevent a recurrence of this type of discharge in the future." The Resolution, among other things, "condemns the actions of Oyster Creek [Nuclear] Generating Station and its parent company, Exelon Nuclear, in failing to perform its maintenance properly and taking its dilution pumps offline such that hot water discharged into the Oyster Creek...."

In accordance with Sections 2.1 and 3.5.2 of the Environmental Technical Specifications (Appendix B of the Oyster Creek Operating License), AmerGen, the licensee, submitted a report on this event (letter, R. J. DeGregorio to NRC, dated October 21, 2002), stating that this was a violation of its New Jersey Pollution Discharge Elimination System permit. The licensee attributed this permit violation to "the lack of integration of applicable environmental requirements into the planning, scheduling, and work processes." The NRC's regulatory jurisdiction does not include violations of the Clean Water Act, such as thermal discharges in excess of permit limits. As stated in the Stafford Township Resolution, the New Jersey Department of Environmental Protection is recognized as the regulatory authority for this issue. The NRC staff has contacted the New Jersey Department of Environmental Protection and has confirmed that it is evaluating the fish kill event for appropriate actions.

If you should have any further questions, please contact me at (301) 415-1353.

Sincerely,

/RA/

Stuart A. Richards, Director
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

November 27, 2002

The Honorable Jeffrey W. Moran
Assemblyman - 9th District
9th District Legislative Offices
620 West Lacey Road
Forked River, NJ 08731

Dear Mr. Moran:

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Sincerely,

/RA/

Stuart A. Richards, Director
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

November 27, 2002

The Honorable Christopher J. Connors
Assemblyman - 9th District
9th District Legislative Offices
620 West Lacey Road
Forked River, NJ 08731

Dear Mr. Conners:

By copy of your October 31, 2002, letter to Bernadette M. Park, Township Clerk of Stafford Township, you formally presented an October 15, 2002, Township Resolution to the Nuclear Regulatory Commission (NRC) and requested the NRC to "conduct a comprehensive investigation into this [September 23, 2002, fish kill] event and to institute every necessary safeguard to prevent a recurrence of this type of discharge in the future." The Resolution, among other things, "condemns the actions of Oyster Creek [Nuclear] Generating Station and its parent company, Exelon Nuclear, in failing to perform its maintenance properly and taking its dilution pumps offline such that hot water discharged into the Oyster Creek...."

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/RA/

Stuart A. Richards, Director
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

November 27, 2002

The Honorable Leonard T. Connors, Jr.
Senator - 9th District
9th District Legislative Offices
620 West Lacey Road
Forked River, NJ 08731

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Sincerely,

/RA/

Stuart A. Richards, Director
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

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OFFICIAL RECORD COPY

Letters identical in text were sent to Leonard T. Conners, Jr., Senator - 9th District; Jeffrey W, Moran, Assemblyman - 9th District; and Christopher J. Connors, Assemblyman - 9th District.

*RBarkley concurred by e-mail for JRogge. **see previous concurrence

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DATED: November 27, 2002

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