

August 21, 2003

The Honorable James Saxton
U.S. House of Representatives
247 Main Street
Toms River, NJ 08753-7468

Dear Congressman Saxton:

I am responding on behalf of the U.S. Nuclear Regulatory Commission (NRC) to your letter of July 8, 2003. In your letter, you asked the NRC to provide information regarding concerns raised by one of your constituents about activities at the Oyster Creek Nuclear Generating Station. In a letter forwarded to you by State Senator Connors, your constituent raised concerns about an alleged "cover-up" of a September 2002 fish kill at the plant and about the qualifications of workers running the plant during the ongoing strike.

The NRC Office of Investigations is investigating the fish kill that occurred at Oyster Creek in September 2002. As this investigation is still ongoing, it would be inappropriate for me to comment on the details of this matter. However, it should be noted that licensee management informed the NRC resident inspector of the fish kill immediately upon discovery and initiated an internal review to ensure that management personnel had performed properly.

NRC is aware that Oyster Creek management provided a detailed report to the New Jersey State Department of Environmental Protection, accounting for the actions and activities that led to the fish kill. This report resulted in a significant fine by New Jersey against AmerGen for violations of its discharge permit. We are also aware that the State has opened a criminal investigation into these matters.

Regarding the strike, we have closely monitored activities at Oyster Creek over the past few months and have not identified any significant performance deficiencies. NRC inspectors provided around-the-clock coverage during the critical, initial stages of the strike. Since then they have continued to closely monitor the licensed operators' performance during normal and abnormal plant evolutions. This is in addition to implementing the baseline inspection program which samples performance in all areas of plant operations. These activities have provided real time insights on operator performance, as well as insights on the performance of various support groups, such as maintenance and engineering. Moreover, NRC senior management has conducted regular site visits to review the situation first-hand, assessing, in particular, qualifications of personnel operating the station and measures being taken by AmerGen to avoid fatigue.

On August 11, 2003, IBEW Local 1289 workers began returning to Oyster Creek following resolution of the 78 day strike that began on May 22. The NRC has reviewed the plan for worker training and reestablishing normal work duties. Inspectors and NRC management will continue to monitor reintegration efforts through late September.

The Honorable James Saxton

2

We will continue to monitor activities at Oyster Creek closely. If you have any questions or comments on this matter, please do not hesitate to contact me.

Sincerely,

/RA/

William Travers
Executive Director
for Operations

Distribution:

W. Travers, EDO
 C. Paperiello, DEDMRS
 W. Kane, DEDR
 S. Collins, NRR
 P. Norry, DEDM
 W. Dean, OEDO
 S. Burns, OGC
 K. Cyr, OGC
 R. William Borchardt, NRR

R. Laufer, NRR
 J. Andersen, NRR

 EDO R/F (G20030400)
 SECY (CRC 03-0447)
 H. Miller, RI, ORA
 A. Blough, RI, DRP
 R. Summer, RI, DRP
 R. Barkley, RI, DRP

T. Walker, RI, ORA

ADAMS Package No. ML032160281

DOCUMENT NAME: C:\ORPCheckout\FileNET\ML032170818.wpd. After declaring this document "An Official Agency Record" it **will/will not** be released to the Public. **To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy**

OFFICE	RI/DRP	RI/DRP	RI/ORA	RI/OI	RI/DRP
NAME	RSummers/ RSB for	RBarkley/ RSB	TWalker/ TEW	JTeator/ JAT	ABlough/ KIM for
DATE	08/04/03	08/04/03	08/04/03	08/04/03	08/04/03

OFFICE	RI/ORA	NRR/DLPM	EDO	OGC	OCA
NAME	HMiller/ HJM	PTam/ *TEW for	WTravers	S.H.Lewis No Legal Objection	DRathbun
DATE	08/05 /03	08/04/03	08/19/03	08/11/03	08/20/03

OFFICIAL RECORD COPY

*by e-mail dated 8/4/03