



SECRETARY

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

February 14, 2006

DOCKETED
USNRC

February 15, 2006 (3:58pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

SERVED February 16, 2006

Docket No. 50-219-LR

The Honorable Jim Saxton
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Saxton:

This is a response to your letter dated January 27, 2006, addressed to Chairman Nils J. Diaz, in which you request that Ultrasonic Testing be conducted on the lower region of the reactor vessel containment walls for the Oyster Creek Nuclear Generating Station as part of the consideration by the NRC of the license renewal application for the plant. Your letter has been referred to the NRC staff. The staff will address your specific concerns in a direct reply.

Currently, intervention petitions addressing the license renewal application for the Oyster Creek Station are before an Atomic Safety and Licensing Board. 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 the Commissioners must remain impartial during the pendency of a case, whether it is before a Licensing Board or on appeal to the Commission.

A copy of your letter and this response, as well as the response of the NRC staff, when issued, will be served on the participants in the Oyster Creek proceeding.

Sincerely,

A handwritten signature in black ink that reads "Annette Vietti-Cook".

Annette L. Vietti-Cook

cc: Service List

JIM SAXTON

THIRD DISTRICT, NEW JERSEY

WWW.HOUSE.GOV/SAXTON

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THREATS AND CAPABILITIES
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MILITARY PERSONNEL

U.S. House of Representatives

Washington, DC 20515

January 27, 2006

Dr. Nils J. Diaz, Chairman
Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852

Dear Dr. Diaz:

I write to you today regarding the Oyster Creek Nuclear Generating Station in Forked River, New Jersey.

It has come to my attention that Ultrasonic Testing is conducted on the Upper Region vessel containment walls of the main reactor every two years as the result of an agreement reached between the Nuclear Regulatory Commission (NRC) and the plant's original owner, GPU Energy. As I understand it, the NRC times these analyses to take place in conjunction with plant refueling.

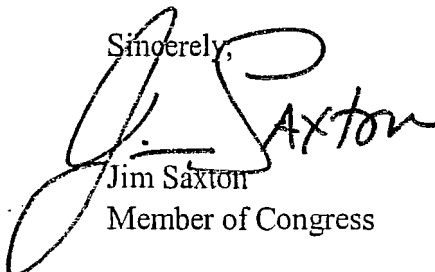
It has also come to my attention, however, that Ultrasonic Testing on the Lower Region has not taken place in nearly a decade. While I strongly support the NRC's commitment to testing the Upper Region every two years, I am gravely concerned about the robustness of the container walls in the Lower Region.

I strongly urge the NRC, as it considers the license renewal application of the nation's oldest operating nuclear power plant, to conduct an Ultrasonic Test of the lower region and to take these findings into consideration before issuing a final decision. Additionally, I request a summary of the most recent findings be made available to the public. The plant is scheduled to go down for refueling in 2006, I am requesting the Lower Region Ultrasonic Tests be conducted at this time.

Past correspondence regarding the security of Oyster Creek has prompted the NRC to respond that security is an ongoing issue that is not considered during the license renewal process. However, conducting routine analysis on the thickness of vessel containment walls at nuclear power plants is an operational safety issue directly related to the relicensure process.

Thank you for your continued attention to this critical matter and I look forward to your response.

Sincerely,



Jim Saxton
Member of Congress

JS/jaz

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 SAXTON RESPONDING TO HIS 01/27/06 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
SAXTON RESPONDING TO HIS 01/27/06 (ALSO ENCLOSED)
LETTER 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 16th day of February 2006