

EDO Principal Correspondence Control

FROM: DUE: 10/11/06

EDO CONTROL: G20060809  
DOC DT: 09/26/06  
FINAL REPLY:

Rep. Christopher H. Smith  
Rep. Jim Saxton  
Rep. Robert E. Andrews  
Rep. Rush Holt  
Rep. Frank Pallone, Jr.  
Rep. Bill Pascrell, Jr.

TO:

Chairman Klein

FOR SIGNATURE OF :

\*\* PRI \*\*

CRC NO: 06-0482

Chairman Klein

DESC:

Oyster Creek Nuclear Generating Facility

ROUTING:

Reyes  
Virgilio  
Kane  
Silber  
Johnson  
Cyr/Burns  
Collins, RI  
Shoop, OEDO

DATE: 09/28/06

ASSIGNED TO:

CONTACT:

NRR

Dyer

SPECIAL INSTRUCTIONS OR REMARKS:

Template: SECY-017

E-RIDS: SECY-01

OFFICE OF THE SECRETARY  
CORRESPONDENCE CONTROL TICKET

Date Printed: Sep 27, 2006 16:40

PAPER NUMBER: LTR-06-0482

LOGGING DATE: 09/27/2006

ACTION OFFICE: EDO

AUTHOR: Jim Saxton

AFFILIATION: CONG

ADDRESSEE: Dale Klein

SUBJECT: Oyster Creek Nuclear Generating Facility

ACTION: Signature of Chairman

DISTRIBUTION: RF, OCA to Ack

LETTER DATE: 09/26/2006

ACKNOWLEDGED No

SPECIAL HANDLING: Comr. Correspondence

NOTES:

FILE LOCATION: ADAMS

DATE DUE: 10/<sup>13</sup>/~~12~~/2006

DATE SIGNED:

**Congress of the United States**  
Washington, DC 20515

September 26, 2006

Dr. Dale E. Klein, Chairman  
Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, MD 20852

Dear Dr. Klein:

We write to you today concerning the Oyster Creek Nuclear Generating Facility in Forked River, New Jersey.

It has come to our attention that Exelon, the operators of Oyster Creek, has failed to properly inspect and monitor water leakage and subsequent corrosion found in the main containment wall of the reactor. Eight years ago, upon assuming ownership of the plant, Exelon made a commitment to monitor the corrosion, as well as the water draining down from the outside of the steel containment wall, and to take appropriate steps to prevent further leakage. According to recent information provided by the Nuclear Regulatory Commission (NRC), Exelon has not lived up to these operating license commitments. Furthermore, recent reports indicate that during an NRC inspection, containers used to capture the water were found to have been emptied, preventing inspectors from conducting testing to determine the origin of the leaks.

Ensuring the robustness of containment walls to protect public health and safety is of the utmost importance. It is imperative that all questions and uncertainties about the structural integrity of this plant be answered. Exelon has stated they conduct routine visual inspections of corroded areas. However, corrosion occurring on scales measured in fractions of inches are extremely difficult to detect with the naked eye. As a result, Exelon has agreed to conduct ultrasonic testing on one percent of the lower sandbed region to determine whether the thickness of the containment vessel meets current safety margins. Unfortunately, we remain concerned that the intended testing target is not a large enough sample area to provide comprehensive results sufficient to make this determination and that corrosion may have already occurred beyond established safety margins. In addition, we understand that no testing of the thickness of the metal in the embedded region is scheduled even though some experts believe that region could now be experiencing the most rapid corrosion. As such, please indicate why the NRC believes that the containment wall is not in a dangerous state. In addition, please explain what additional measures the NRC has taken, or intends to be taken during the remaining relicensing period, to ensure the structural integrity of the containment walls have not been, or will not be, compromised.

Resolution of this controversial matter would be greatly aided if a third party, such as the Advisory Committee on Reactor Safeguards (ACRS) was allowed to conduct their own analysis of the current state of the containment structure. As we have learned, ACRS involvement goes a long way in providing the public with assurances that the NRC has properly conducted all necessary testing and analysis. When deciding whether a vital safety structure has been allowed to corrode beyond its safety margins because of violations of the operating license which the NRC failed to notice for eight years, redundancy becomes a necessity.

Thank you for your consideration of this matter and we look forward to your response.

Sincerely,



Christopher H. Smith  
Member of Congress



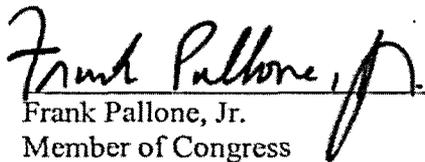
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