

EDO Principal Correspondence Control

FROM: DUE: 10/27/06

EDO CONTROL: G20060822  
DOC DT: 09/27/06  
FINAL REPLY:

John P. Kelly  
The Board of Chosen Freeholders

TO:

Chairman Klein

FOR SIGNATURE OF :

\*\* GRN \*\*

CRC NO: 06-0496

Dyer, NRR

DESC:

ROUTING:

Oyster Creek Nuclear Generating Facility

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

DATE: 10/04/06

ASSIGNED TO:

CONTACT:

NRR

Dyer

SPECIAL INSTRUCTIONS OR REMARKS:

Ref. G20060809

Please provide a copy of the response to Congress  
(G20060809) when signed to John Kelly.

OFFICE OF THE SECRETARY  
CORRESPONDENCE CONTROL TICKET

*Date Printed: Oct 04, 2006 14:11*

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**PAPER NUMBER:** LTR-06-0496 **LOGGING DATE:** 10/03/2006  
**ACTION OFFICE:** EDO

**AUTHOR:** John Kelly  
**AFFILIATION:** NJ  
**ADDRESSEE:** Dale Klein  
**SUBJECT:** Oyster Creek

**ACTION:** Direct Reply  
**DISTRIBUTION:** RF, SECY to Ack

**LETTER DATE:** 09/27/2006

**ACKNOWLEDGED:** No  
**SPECIAL HANDLING:** Made publicly available in ADAMS via EDO/DPC

**NOTES:** Please provide a copy of the response given to Congress,  
when signed,-- to John Kelly

**FILE LOCATION:** ADAMS

**DATE DUE:** 10/27/2006 **DATE SIGNED:**

EDO --G20060822

# THE BOARD OF CHOSEN FREEHOLDERS

OCEAN COUNTY  
TOMS RIVER, NEW JERSEY 08754-2191

**John P. Kelly**  
Director of Law and Public Safety



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jkelly@co.ocean.nj.us

September 27, 2006

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

**Re: Oyster Creek Nuclear Generating Facility**

Dear Dr. Klein:

I am writing to you today in my capacity as Director of Law and Public Safety for the Ocean County Board of Chosen Freeholders. The Freeholders are the elected representatives for the residents of Ocean County and as such we are very concerned with the safe operation of the Oyster Creek Nuclear Generating facility. The Board has been very active in participating in the application for relicensing of this facility currently before the NRC. The Board's position is that public health and safety is the overriding concern that must be considered by the NRC in both the operation of the plant and its review of the relicensing petition.

I have received a copy of a letter, a copy of which is attached for your convenience, sent to you by six members of the New Jersey Congressional Delegation expressing their concerns with the structural integrity of the plant's containment system, Excelon's commitment to adequately monitor the corrosion of the steel containment wall and to take appropriate steps to prevent further leakage that would add to corrosion problems. Some time ago, a commitment was made to do monitoring of the thickness of the containment vessel and the rate, if any, of corrosion through ultrasound testing. Apparently that monitoring has not occurred on a routine basis.

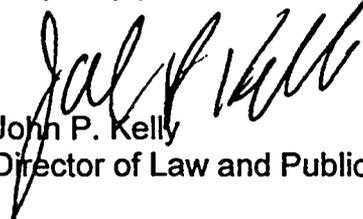
I want to join with Congressman Saxton, Congressman Smith and the other members of the Delegation in supporting their request for additional testing, monitoring and maintenance, particularly of the containment wall. I would also like to support their proposal for a third party review to conduct an analysis of the current state of the containment structure. This is consistent with the position taken by the Freeholder Board in its resolution regarding the relicensing of Oyster Creek when the Board suggested an independent review and supported the bill introduced by Congressman Saxton for that entity to be the National Academy of Science. I would rely on the Congressman's judgment in this case and support a review by the Advisory Committee on Reactor Safeguards (ACRS).

CHAIRMAN REC'D  
OCT - 2 PM 3:45

Page 2  
Dr. Dale E. Klein, Chairman  
Nuclear Regulatory Commission  
September 27, 2006

I appreciate your consideration of these concerns expressed on behalf of the Board of Chosen Freeholders.

Very truly yours,



John P. Kelly  
Director of Law and Public Safety

JPK/AWA:mac

c: Members, Board of Chosen Freeholders  
Governor Jon S. Corzine  
Senator Frank R. Lautenberg  
Senator Robert Menendez  
Congressman H. James Saxton  
Congressman Christopher H. Smith  
Timothy Rausch, Site Vice President, Oyster Creek Nuclear Generating Station

**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.

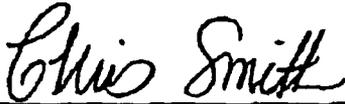
It has come to our attention that Exelon, the operators of Oyster Creek, has failed to properly inspect and monitor water leakage and subsequent corrosion found in the main containment wall of the reactor. Eight years ago, upon assuming ownership of the plant, Exelon made a commitment to monitor the 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.

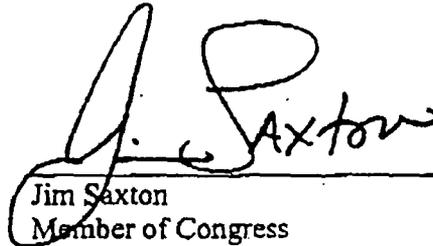
Resolution of this controversial matter would be greatly aided if a third party, such as the Advisory Committee on Reactor Safeguards (ACRS) was allowed to conduct their own analysis of the current state of the containment structure. As we have learned, ACRS involvement goes a long way in providing the 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.

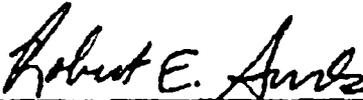
Sincerely,



Christopher H. Smith  
Member of Congress



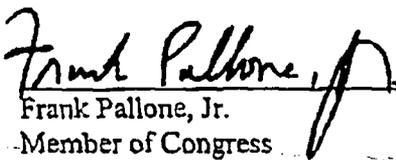
Jim Saxton  
Member of Congress



Robert E. Andrews  
Member of Congress



Rush Holt  
Member of Congress



Frank Pallone, Jr.  
Member of Congress



Bill Pascrell, Jr.  
Member of Congress