



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

October 10, 2006

DOCKETED
USNRC

October 16, 2006 (8:40am)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

SERVED October 16, 2006

Docket No. 50-219-LR

SECRETARY

The Honorable Jim Saxton
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Saxton:

This is a response to your letter dated September 26, 2006, addressed to Chairman Dale E. Klein, in which you request that the Nuclear Regulatory Commission (NRC) address your concerns related to the effects of water leakage and corrosion on the structural integrity of the containment wall of the Oyster Creek Nuclear Generating Station reactor. You also recommend that the Advisory Committee on Reactor Safeguards conduct an independent analysis of the state of the containment wall structure. Your letter has been referred to the NRC staff. The staff will address your specific concerns in a direct reply.

Currently, an Atomic Safety and Licensing Board is conducting a proceeding on the license renewal application for the Oyster Creek Station. 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
Secretary of the Commission

cc: Service List



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

October 10, 2006

SECRETARY

The Honorable Christopher H. Smith
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Smith:

This is a response to your letter dated September 26, 2006, addressed to Chairman Dale E. Klein, in which you request that the Nuclear Regulatory Commission (NRC) address your concerns related to the effects of water leakage and corrosion on the structural integrity of the containment wall of the Oyster Creek Nuclear Generating Station reactor. You also recommend that the Advisory Committee on Reactor Safeguards conduct an independent analysis of the state of the containment wall structure. Your letter has been referred to the NRC staff. The staff will address your specific concerns in a direct reply.

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Secretary of the Commission

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October 10, 2006

SECRETARY

The Honorable Bill Pascrell, Jr.
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Pascrell:

This is a response to your letter dated September 26, 2006, addressed to Chairman Dale E. Klein, in which you request that the Nuclear Regulatory Commission (NRC) address your concerns related to the effects of water leakage and corrosion on the structural integrity of the containment wall of the Oyster Creek Nuclear Generating Station reactor. You also recommend that the Advisory Committee on Reactor Safeguards conduct an independent analysis of the state of the containment wall structure. Your letter has been referred to the NRC staff. The staff will address your specific concerns in a direct reply.

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Annette L. Vietti-Cook
Secretary of the Commission

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October 10, 2006

SECRETARY

The Honorable Rush Holt
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Holt:

This is a response to your letter dated September 26, 2006, addressed to Chairman Dale E. Klein, in which you request that the Nuclear Regulatory Commission (NRC) address your concerns related to the effects of water leakage and corrosion on the structural integrity of the containment wall of the Oyster Creek Nuclear Generating Station reactor. You also recommend that the Advisory Committee on Reactor Safeguards conduct an independent analysis of the state of the containment wall structure. Your letter has been referred to the NRC staff. The staff will address your specific concerns in a direct reply.

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Annette L. Vietti-Cook
Secretary of the Commission

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UNITED STATES
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WASHINGTON, D.C. 20555-0001

October 10, 2006

SECRETARY

The Honorable Frank Pallone, Jr.
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Pallone:

This is a response to your letter dated September 26, 2006, addressed to Chairman Dale E. Klein, in which you request that the Nuclear Regulatory Commission (NRC) address your concerns related to the effects of water leakage and corrosion on the structural integrity of the containment wall of the Oyster Creek Nuclear Generating Station reactor. You also recommend that the Advisory Committee on Reactor Safeguards conduct an independent analysis of the state of the containment wall structure. Your letter has been referred to the NRC staff. The staff will address your specific concerns in a direct reply.

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Secretary of the Commission

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NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

October 10, 2006



SECRETARY

The Honorable Robert E. Andrews
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Andrews:

This is a response to your letter dated September 26, 2006, addressed to Chairman Dale E. Klein, in which you request that the Nuclear Regulatory Commission (NRC) address your concerns related to the effects of water leakage and corrosion on the structural integrity of the containment wall of the Oyster Creek Nuclear Generating Station reactor. You also recommend that the Advisory Committee on Reactor Safeguards conduct an independent analysis of the state of the containment wall structure. Your letter has been referred to the NRC staff. The staff will address your specific concerns in a direct reply.

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Annette L. Vietti-Cook
Secretary of the Commission

cc: Service List

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.

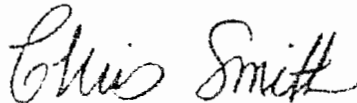
It has come to our attention that Exelon, the operators of Oyster Creek, has failed to properly inspect and monitor water leakage and subsequent corrosion found in the main containment wall of the reactor. Eight years ago, upon assuming ownership of the plant, Exelon made a commitment to monitor the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

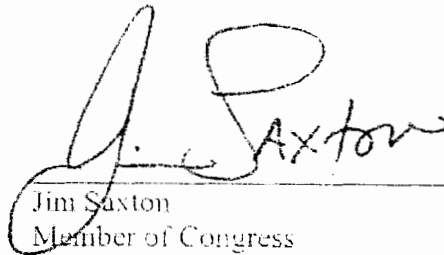
Resolution of this controversial matter would be greatly aided if a third party, such as the Advisory Committee on Reactor Safeguards (ACRS) was allowed to conduct their own analysis of the current state of the containment structure. As we have learned, ACRS involvement goes a long way in providing the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



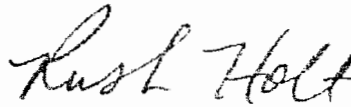
Christopher H. Smith
Member of Congress



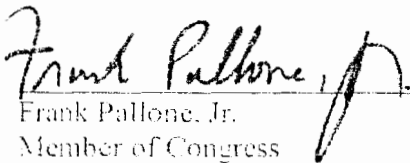
Jim Saxton
Member of Congress



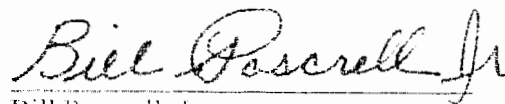
Robert E. Andrews
Member of Congress



Rush Holt
Member of Congress



Frank Pallone, Jr.
Member of Congress



Bill Pascrell, Jr.
Member of Congress

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 SIX MEMBERS OF CONGRESS RESPONDING TO THEIR 09/26/06 LETTER (ALSO ENCLOSED) RE EFFECTS OF WATER LEAKAGE AND CORROSION ON THE STRUCTURAL INTEGRITY OF THE CONTAINMENT WALL OF THE OYSTER CREEK REACTOR 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

Steven C. Hamrick, Esq.
Mitzi A. Young, 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 SIX MEMBERS
OF CONGRESS RESPONDING TO THEIR 09/26/06 LETTER
(ALSO ENCLOSED) RE EFFECTS OF WATER LEAKAGE AND
CORROSION ON THE STRUCTURAL INTEGRITY OF THE
CONTAINMENT WALL OF THE OYSTER CREEK REACTOR

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

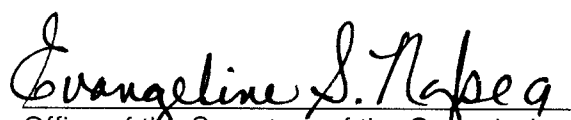
Suzanne Leta
NJPIRG
11 N. Willow St.
Trenton, NJ 08608

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.
Ellen Barney Balint, Esq.
Valerie Anne Gray, Esq.
Caroline Stahl, Esq.
Deputy Attorneys General
New Jersey Office of the 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 October 2006