



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

DOCKETED
USNRC

April 25, 2008

April 25, 2008 (12:15pm)

SECRETARY

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

SERVED April 25, 2008

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

Dear Congressman Saxton:

I am responding to your letter of April 17, 2008, sent to Chairman Dale E. Klein, in which you register your concern with methodologies used by the U.S. Nuclear Regulatory Commission (NRC) staff in calculating risk assessments for metal fatigue of recirculation nozzles at Oyster Creek.

Under NRC regulations, the Commission has an adjudicatory role in the ongoing Oyster Creek license renewal proceeding. Due to the nature of the Commission's role, I trust you will understand that all members of the Commission must remain impartial during the pendency of this case. In fact, interveners in the Oyster Creek proceeding have recently filed a contention regarding metal fatigue, the subject of your letter. The contention is under active consideration by the Commission. It would be inappropriate at this time for any members of the Commission to discuss or comment on issues involved in this matter. However, the NRC staff will respond to your concerns about risk assessment calculations in separate correspondence.

A copy of your letter and this response will be served on the participants in the Oyster Creek proceeding.

Sincerely,

A handwritten signature in black ink, appearing to read "Annette Vietti-Cook".

Annette L. Vietti-Cook
Secretary of the Commission

cc: Oyster Creek Service List



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

April 25, 2008

SECRETARY

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

Dear Congressman Smith:

I am responding to your letter of April 17, 2008, sent to Chairman Dale E. Klein, in which you register your concern with methodologies used by the U.S. Nuclear Regulatory Commission (NRC) staff in calculating risk assessments for metal fatigue of recirculation nozzles at Oyster Creek.

Under NRC regulations, the Commission has an adjudicatory role in the ongoing Oyster Creek license renewal proceeding. Due to the nature of the Commission's role, I trust you will understand that all members of the Commission must remain impartial during the pendency of this case. In fact, interveners in the Oyster Creek proceeding have recently filed a contention regarding metal fatigue, the subject of your letter. The contention is under active consideration by the Commission. It would be inappropriate at this time for any members of the Commission to discuss or comment on issues involved in this matter. However, the NRC staff will respond to your concerns about risk assessment calculations in separate correspondence.

A copy of your letter and this response will be served on the participants in the Oyster Creek proceeding.

Sincerely,

A handwritten signature in black ink, appearing to read "Annette Vietti-Cook", with a stylized flourish at the end.

Annette L. Vietti-Cook
Secretary of the Commission

cc: Oyster Creek Service List

CONGRESS OF THE UNITED STATES
WASHINGTON, DC 20515

April 17, 2008

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

Dear Chairman Klein:

We write to you today regarding the license renewal application of the Oyster Creek Nuclear Generating Station which is currently scheduled for a final decision on April 29, 2008.

As you are well aware, staff for the Nuclear Regulatory Commission (NRC) recently stated they did not employ conservative enough methodologies in calculating risk assessments for metal fatigue of recirculation nozzles at Oyster Creek. It is our understanding these components barely met the initial metal fatigue requirements, leading us to the conclusion that more conservative calculations would deem these metals to possibly be found insufficient to withstand an additional 20 years of operation. This latest development provides us with adequate reason to request the Commission fully investigate and analyze the concerns of its staff prior to issuing a decision on the relicensing of Oyster Creek.

We would also like to request these calculations, including the raw data, be made available to the public. As we have discussed in the past, it is important for the NRC to provide a certain degree of transparency in order to instill confidence in the public.

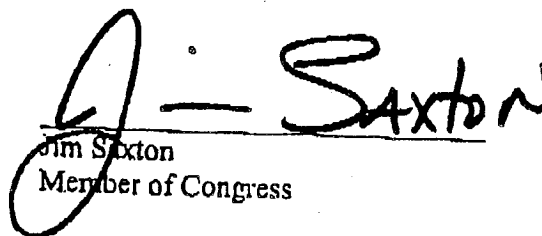
You should also know of our dissatisfaction and dismay over a lack of timely dissemination of critical information updates from your Office of Congressional Affairs. You should know that it was not the NRC that made us aware of these two important developments, instead our offices were notified by both the owner-operator and the citizens consortium involved in the proceedings. We urge you to work with your Office of Congressional Affairs to ensure that all future developments are not only communicated, but disseminated in a timely manner.

We would appreciate if you or a member of your staff could please contact our offices prior to the final decision to discuss these matters. As always, we thank you for your time and consideration and look forward to hearing from you.

Sincerely,



Chris Smith
Member of Congress



Jim Saxton
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 THE HONORABLE JIM SAXTON, AND THE HONORABLE CHRIS SMITH IN RESPONSE TO THEIR 04/17/08 LETTER (ATTACHED) 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

Mary C. Baty, Esq.
Kimberly A. Sexton, Esq.
James E. Adler, Esq.
Office of the General Counsel
Mail Stop - O-15 D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Richard Webster, Esq.
Julia LeMense, Esq.
Eastern Environmental Law Center
744 Broad Street, Suite 1525
Newark, NJ 07102

Paul Gunter, Reactor Oversight
Kevin Kamps
Beyond Nuclear
Nuclear Policy Research Institute
6930 Carroll Avenue, Suite 400
Takoma Park, MD 20912

Donald J. Silverman, Esq.
Kathryn M. Sutton, Esq.
Alex S. Polonsky, Esq.
Raphael P. Kuyler, Esq.
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Ave., NW
Washington, DC 20004

Docket No. 50-219-LR
LETTER FROM ANNETTE L. VIETTI-COOK TO THE HONORABLE JIM SAXTON, AND
THE HONORABLE CHRIS SMITH IN RESPONSE TO THEIR 04/17/08 LETTER (ATTACHED)

Bradley M. Campbell, Commissioner
New Jersey Department of
Environmental Protection
P.O. Box 402
Trenton, NJ 08625-0402

Jill Lipoti, Director
New Jersey Department of
Environmental Protection
Division of Environmental Safety and Health
P.O. Box 424
Trenton, NJ 08625-0424

Ron Zak
New Jersey Department of
Environmental Protection
Nuclear Engineering
P.O. Box 415
Trenton, NJ 08625-0415

J. Bradley Fewell, Esq.
Exelon Corporation
4300 Warrenville Road
Warrenville, IL 60555

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

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 25th day of April 2008