

May 16, 2008

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

Dear Congressman Smith:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter, dated April 17, 2008, to Chairman Dale E. Klein. In your letter you expressed concern about not only the agency's methodologies for calculating risk assessments for metal fatigue of recirculation nozzles at Oyster Creek Generating Station (Oyster Creek), but also the agency's timeliness of providing information to your office. I would like to clarify the agency's position, discuss our evaluation, and reiterate our openness policy.

In your letter, you summarize the NRC's position as follows: "[Oyster Creek] did not employ conservative enough methodologies in calculating risk assessments for metal fatigue of recirculation nozzles." However, staff has not yet determined whether Oyster Creek employed sufficiently conservative methodologies. For assessing fatigue for one type of nozzle, the licensee employed a simplified analysis strategy that used one stress component to represent six stress components. We have asked the licensee to reanalyze that nozzle using the six stress components. The licensee submitted these results in a letter dated May 1, 2008, and the staff is determining whether the simplified methodology is adequately conservative. The analysis does not calculate risk but does calculate fatigue usage consistent with American Society of Mechanical Engineer (ASME) Section III analysis rules. The ASME Code contains acceptance criteria but does not stipulate which analysis methods should be used. Standard practice is to simplify complex analyses when appropriately justified. We asked Oyster Creek to perform a detailed analysis only to evaluate whether they appropriately simplified the analysis when it used one stress component.

The staff will document its review of the reanalysis, and will issue a publicly available supplement to the safety evaluation report, including a thorough evaluation of the fatigue analysis. In this supplement, the staff will include any nonproprietary details of the analysis. The staff is prohibited from disclosing information to the public that legitimately constitutes proprietary information and is submitted by the licensees as proprietary pursuant to 10 CFR 2.390(b)(3).

Through our openness policy, we view nuclear regulation as the public's business. The NRC places a high priority on keeping Congress fully and currently informed. We will notify you as soon as possible of all further developments on the Oyster Creek license renewal process.

C. Smith

-2-

The schedule for a final decision on relicensing has not yet been determined. The April 29, 2008, date you mention in your letter was the Commission's adjudicatory affirmation session (which had been postponed and is now tentatively scheduled for May 28, 2008). It was not the date of a final agency decision on relicensing Oyster Creek. When the agency is prepared to make a relicensing decision, you will be notified promptly.

I trust that this information is responsive to your letter.

Sincerely,

/RA/

R. W. Borchardt
Executive Director
for Operations

cc: See next page

Oyster Creek Nuclear Generating Station

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May 16, 2008

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

Dear Congressman Saxton:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter, dated April 17, 2008, to Chairman Dale E. Klein. In your letter you expressed concern about not only the agency's methodologies for calculating risk assessments for metal fatigue of recirculation nozzles at Oyster Creek Generating Station (Oyster Creek), but also the agency's timeliness of providing information to your office. I would like to clarify the agency's position, discuss our evaluation, and reiterate our openness policy.

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J. Saxton

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Sincerely,

/RA/

R. W. Borchardt
Executive Director
for Operations

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Executive Director
for Operations

cc: See next page

Docket No. 50-219

Identical letters sent to: Representative Chris Smith and Representative Jim Saxton.

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See next page

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Letters to Representative C. Smith and J. Saxton from R. Borchardt, dated May 16, 2008

DISTRIBUTION: G20080283/LTR-08-0223/EDATS: SECY-2008-0245

SUBJECT: Letter to Congressmen Chris Smith and Jim Saxton Concerning License Renewal
at Oyster Creek Generating Station

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