

January 29, 2009

The Honorable Christopher H. Smith
United States House of
Representatives
Washington, DC 20515-3003

Dear Congressman Smith:

I am responding to your letter of December 4, 2008, in which you urge that all studies related to safety issues at the Oyster Creek Nuclear Generating Station be publicly released in a timely fashion in order to improve public confidence in the U. S. Nuclear Regulatory Commission (NRC) and its relicensing process.

The NRC is committed to our mission of protecting public health and safety, and places great value on the public's confidence in our ability to carry out these responsibilities. The NRC's plant licensing process, the license renewal process, and the Reactor Oversight Process provide the strong oversight necessary to ensure safe plant operations, now and during a period of extended operation. The NRC is also committed to a policy of openness and strives, whenever possible, to conduct our business in an open and transparent manner.

In your letter, you requested the status of Oyster Creek's three dimensional (3-D) finite element analysis of the drywell shell and the NRC staff's review of this analysis, including the status of the Atomic Safety and Licensing Board's (ASLB) recommendations. Exelon, the operator of Oyster Creek, submitted a summary report of its 3-D finite element analysis for NRC review on January 22, 2009. A copy of this report was delivered to your office on January 23. The staff is currently reviewing the summary report.

With regard to the remainder of the ASLB's recommendations to the Commission, the recommendations are currently before the Commission and the NRC staff is awaiting the Commission's instructions on these recommendations.

Your letter expressed concern that Oyster Creek was allowed to undergo the fall 2008 refueling activities and resume power operations without the "additional critical information" of the 3-D finite element analysis. Oyster Creek conducted these refueling activities in accordance with the plant's current licensing basis. In addition, NRC inspectors observed these activities as part of the Reactor Oversight Process. The staff reviewed technical information on the condition of the drywell shell and concluded that it will remain operable until the next scheduled examination during the 2012 refueling outage.

Concerning your request for the release of the 2008 ultrasonic data, Exelon has not released this information to either the NRC or the public. Such specific inspection data, along with the data from numerous other tests and examinations performed on Oyster Creek components each year, is not required to be formally submitted to the NRC, but must be readily available for review by the agency's inspection staff, as it was during the fall 2008 refueling outage.

You also requested the status of issues reported during the fall 2008 refueling shutdown. As reported in the staff's preliminary notification (PNO-1-08-012, November 17, 2008) and its November 6, 2008, Commission Notification, none of the issues identified during the recent refueling outage were of safety significance. The NRC performed the fall 2008 inspection at Oyster Creek using Inspection Procedure 71003, "Post-Approval Site Inspection for License Renewal," to examine license renewal-related activities. The staff publicly released the inspection results on January 21, 2009, and provided you a copy on January 23. In accordance with the NRC's memorandum of understanding with the State of New Jersey, state engineers from the Department of Environmental Protection, Bureau of Nuclear Engineering, observed portions of the NRC inspection activities. The NRC staff will continue to involve the State of New Jersey staff in future Oyster Creek inspections.

I appreciate your ongoing interest in the safety of the Oyster Creek Nuclear Generating Station. If you need additional information on these or other matters, the NRC staff would be happy to meet with you and your staff.

Sincerely,

/RA/

R. W. Borchardt
Executive Director
for Operations

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 Executive Director
 for Operations

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NAME	R Borchardt				
DATE	1/29/09				