

EDO Principal Correspondence Control

FROM: DUE: / /

EDO CONTROL: G20090108

DOC DT: 02/03/09

FINAL REPLY:

Congressman John H. Adler
Congressman Frank A. LoBiondo
Congressman Rush Holt

TO:

Chairman Klein

FOR SIGNATURE OF :

** GRN **

CRC NO: 09-0037

Borchardt, EDO

DESC:

ROUTING:

Postponement of Commission Decision on Relicensing
of the Oyster Creek Nuclear Generating Station
(EDATS: SECY-2009-0084)

Borchardt
Virgilio
Mallett
Ash
Ordaz
Cyr/Burns
Schmidt, OCA
Cyr, OGC
Collins, RI
Shoop, OEDO
Trocine, OEDO

DATE: 03/03/09

ASSIGNED TO:

CONTACT:

NRR

Leeds

SPECIAL INSTRUCTIONS OR REMARKS:

For Appropriate Action.

Coordinate with OGC to determine if a response is
necessary. If a response is written, create an
individual letter for each Congressman for EDO
signature.

Template: SECY-017

E-LOS: SECY-01

EDATS

Electronic Document and Action Tracking System

EDATS Number: SECY-2009-0084

Source: SECY

General Information

Assigned To: NRR

OEDO Due Date: NONE

Other Assignees:

SECY Due Date: NONE

Subject: Postponement of Commission Decision on Relicensing of the Oyster Creek Nuclear Generating Station

Description:

CC Routing: OGC

ADAMS Accession Numbers - Incoming: NONE

Response/Package: NONE

Other Information

Cross Reference Number: G20090108, LTR-09-0037

Staff Initiated: NO

Related Task:

Recurring Item: NO

File Routing: EDATS

Agency Lesson Learned: NO

Roadmap Item: NO

Process Information

Action Type: Appropriate Action

Priority: Medium

Signature Level: EDO

Sensitivity: None

Urgency: NO

OEDO Concurrence: NO

OCM Concurrence: NO

OCA Concurrence: NO

Special Instructions: For Appropriate Action. Coordinate with OGC to determine if a response is necessary. If a response is written, create an individual letter for each Congressman for EDO signature.

Document Information

Originator Name: John H. Adler, Frank A. LoBiondo, and
Rush Holt

Date of Incoming: 2/3/2009

Originating Organization: Congress

Document Received by SECY Date: 2/3/2009

Addressee: Chairman Klein

Date Response Requested by Originator: NONE

Incoming Task Received: Letter

**OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET**

Date Printed: Mar 03, 2009 15:47

PAPER NUMBER: LTR-09-0037 **LOGGING DATE:** 02/04/2009
ACTION OFFICE: EDO

AUTHOR: REP John Adler
AFFILIATION: CONG
ADDRESSEE: CHRM Dale Klein
SUBJECT: Request the Commission postpone its decision on relicensing of the Oyster Creek Nuclear
Geneating Station

ACTION: Appropriate
DISTRIBUTION: RF, OCA, Chairman, Comrs

LETTER DATE: 02/03/2009
ACKNOWLEDGED No
SPECIAL HANDLING:

NOTES: Ex Parte response to Rep Adler signed by Annette Vietti-
Cook 03/03/2009 (copy attached)

FILE LOCATION: ADAMS

DATE DUE: **DATE SIGNED:**

EDO --G20090108

Congress of the United States

House of Representatives

Washington, DC 20515-3003

February 3, 2009

The Honorable Dale E. Klein
Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Chairman Klein:

We understand that the Nuclear Regulatory Commission has tentatively scheduled an affirmation session on February 4, 2009 on the relicensing of the Oyster Creek Nuclear Generating Station. We are writing to request the Commission postpone its decision on relicensing until recommendations by two NRC advisory boards are further reviewed and appropriate measures are taken to avert future drywell corrosion.

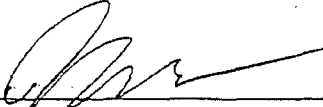
One issue concerns certain recommendations issued by the Atomic Committee on Reactor Safety (ACRS) and the Atomic Safety Licensing Board (ASLB). The Commission cannot be sure whether Oyster Creek meets current safety requirements unless these recommendations, which are designed to enhance public safety, have been fully reviewed. We therefore request the Commission to ensure that NRC Staff and Exelon implement necessary and appropriate recommendations set forth by the ASLB and the ACRS.

In addition, we are aware of Citizen's notification to the NRC regarding the staff inspection report released on January 19, 2009 and the report itself. The report appears to indicate that water continues to seep into the drywell and is causing ongoing corrosion. Therefore, we ask the Commission to take appropriate steps to monitor for water and prevent water leaks.

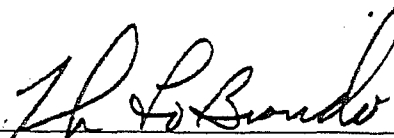
Finally, in an effort to ensure the public has adequate information pertaining to the Oyster Creek relicensing, we ask that appropriate additional materials be made available to the public for independent review and that you encourage NRC staff to work more closely with citizens groups (and their representatives) that are interested in improving safety at Oyster Creek.

We recognize the crucial role nuclear power plays in meeting America's ongoing energy needs. Oyster Creek, however, faces a unique set of circumstances that warrants an abundance of caution. We believe that the NRC should delay a final decision concerning relicensing until the issues set forth in this letter are addressed. Should any renewal be granted, we expect the NRC to monitor corrosion in the facility's drywell and ensure the timely implementation of appropriate ASLB and ACRS recommendations.

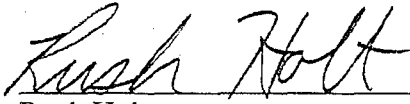
Sincerely,



John H. Adler
Member of Congress



Frank A. LoBiondo
Member of Congress



Rush Holt
Member of Congress



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

March 3, 2009

SECRETARY

The Honorable John H. Adler
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Adler:

I am responding to your letter dated February 3, 2009, in which you requested that the Commission postpone an affirmation session that was tentatively scheduled for February 4, 2009, in connection with adjudicatory matters pending before the Commission with respect to the license renewal application for the Oyster Creek Nuclear Generating Station (Oyster Creek). Among other things, you requested that the Commission postpone its decision on the license renewal application until the NRC Staff and Exelon implement recommendations made by the Advisory Committee on Reactor Safeguards and the Atomic Safety and Licensing Board. You also requested that NRC staff take specific action based upon a recent NRC inspection report relevant to the Oyster Creek drywell liner, that NRC staff work more closely with citizens groups (and their representatives), and that additional information be made available to the public pertaining to the Oyster Creek license renewal application.

The Commission postponed the affirmation session that was tentatively scheduled for February 4, and the Oyster Creek license renewal matter remains under consideration by the Commission. Under Commission regulations, the Commission has an adjudicatory role in the Oyster Creek license renewal proceeding. An appeal is currently pending before the Commission with respect to the license renewal application. Due to the nature of the Commission's role, all members of the Commission must remain impartial while the case is pending. At this time, therefore, the Commission cannot discuss or comment on issues involved in this matter, including those raised in your letter. The Commission may, however, always discuss the status of the proceeding and the performance of the facility generally. I am referring your letter to the Office of Nuclear Reactor Regulation, which is responsible for reviewing the Oyster Creek license renewal application.

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 L. Vietti-Cook", is written over a horizontal line.

Annette L. Vietti-Cook

cc: Congressman Frank A. LoBiondo
Congressman Rush Holt
Oyster Creek Service List