



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

March 3, 2009

DOCKETED  
USNRC

SECRETARY

March 9, 2009 (2:00pm)

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

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

**SERVED MARCH 9, 2009**

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".

Annette L. Vietti-Cook

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

# 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.

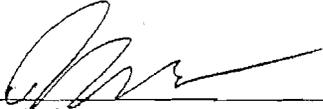
One issue concerns certain recommendations issued by the Atomic Committee on Reactor Safety (ACRS) and the Atomic Safety Licensing Board (ASLB). The Commission cannot be sure whether Oyster Creek meets current safety requirements unless these recommendations, which are designed to enhance public safety, 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.

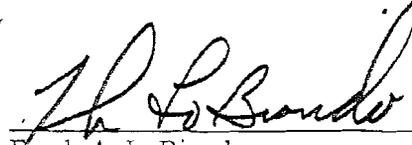
Finally, in an effort to ensure the public has adequate information pertaining to the Oyster Creek relicensing, we ask that appropriate additional materials be made available to the public for independent review and that you encourage NRC staff to work more closely with citizens groups (and their representatives)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

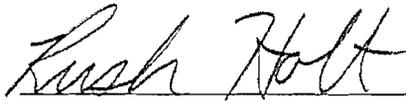
Sincerely,



John H. Adler  
Member of Congress



Frank A. LoBiondo  
Member of Congress



Rush Holt  
Member of Congress

UNITED STATES 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 THE SECRETARY TO THE HONORABLE JOHN H. ADLER IN RESPONSE TO HIS FEBRUARY 3, 2009 LETTER has been served upon the following persons by electronic mail this date, followed by deposit of paper copies in the U.S. mail, first class, and NRC internal mail.

Office of Commission Appellate  
Adjudication  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

U.S. Nuclear Regulatory Commission  
Office of the Secretary of the Commission  
Rulemakings & Adjudications Staff  
Mail Stop O-16C1  
Washington, DC 20555-0001

U.S. Nuclear Regulatory Commission  
Atomic Safety and Licensing Board Panel  
Mail Stop T-3 F23  
Washington, DC 20555-0001

U.S. Nuclear Regulatory Commission  
Office of the General Counsel  
Mail Stop - O-15 D21  
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Brian Newell, Paralegal

Administrative Judge  
E. Roy Hawkens, Chair

Administrative Judge  
Paul B. Abramson

Administrative Judge  
Anthony J. Baratta

Emily Krause, Law Clerk

Docket No. 50-219-LR  
LETTER FROM THE SECRETARY TO THE HONORABLE JOHN H. ADLER IN RESPONSE  
TO HIS FEBRUARY 3, 2009

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Docket No. 50-219-LR  
LETTER FROM THE SECRETARY TO THE HONORABLE JOHN H. ADLER IN RESPONSE  
TO HIS FEBRUARY 3, 2009 LETTER

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Office of the Secretary of the Commission

Dated at Rockville, Maryland  
this 9<sup>th</sup> day of March 2009