

EDO Principal Correspondence Control

FROM: DUE: 06/04/09

EDO CONTROL: G20090291
DOC DT: 05/18/09
FINAL REPLY:

Representative Christopher Smith

TO:

Chairman Jaczko

FOR SIGNATURE OF :

** PRI **

CRC NO: 09-0211

Chairman Jaczko

DESC:

ROUTING:

Oyster Creek - License Renewal Process
(EDATS: SECY-2009-0249)

Borchardt
Virgilio
Mallett
Ash
Ordaz
Burns/Gray
Collins, RI
Hawkins, ASLBP
Shoop, OEDO

DATE: 05/19/09

ASSIGNED TO:

CONTACT:

NRR

Leeds

SPECIAL INSTRUCTIONS OR REMARKS:

Please prepare response in accordance with OEDO Notice 2009-0441-01 (ML090490315). Contact Undine Shoop, OEDO for insight and any guidance on the tone and content of the response. Staff may want to refer to the ADAMS Congressional Correspondence Folder in preparing response.

Template: SECY-017

E-RIDS: SECY-01

EDATS

Electronic Document and Action Tracking System

EDATS Number: SECY-2009-0249

Source: SECY

General Information

Assigned To: NRR

OEDO Due Date: 6/4/2009 5:00 PM

Other Assignees:

SECY Due Date: 6/8/2009 5:00 PM

Subject: Oyster Creek - License Renewal Process

Description:

CC Routing: Region I; ASLBP

ADAMS Accession Numbers - Incoming: NONE

Response/Package: NONE

Other Information

Cross Reference Number: G20090291, LTR-09-0211

Staff Initiated: NO

Related Task:

Recurring Item: NO

File Routing: EDATS

Agency Lesson Learned: NO

Roadmap Item: NO

Process Information

Action Type: Letter

Priority: Medium

Sensitivity: None

Signature Level: Chairman Klein

Urgency: NO

OEDO Concurrence: YES

OCM Concurrence: NO

OCA Concurrence: NO

Special Instructions: Please prepare response in accordance with OEDO Notice 2009-0441-01 (ML090490315). Contact Undine Shoop, OEDO for insight and any guidance on the tone and content of the response. Staff may want to refer to the ADAMS Congressional Correspondence Folder in preparing response.

Document Information

Originator Name: Representative Christopher H. Smith

Date of Incoming: 5/18/2009

Originating Organization: Congress

Document Received by SECY Date: 5/19/2009

Addressee: Chairman Jaczko

Date Response Requested by Originator: NONE

Incoming Task Received: Letter

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: May 19, 2009 07:43

PAPER NUMBER: LTR-09-0211 **LOGGING DATE:** 05/18/2009
ACTION OFFICE: ED/GC

AUTHOR: REP Christopher Smith
AFFILIATION: CONG
ADDRESSEE: Gregory Jaczko
SUBJECT: Relicensing process for Oyster Creek

ACTION: Signature of Chairman
DISTRIBUTION: RF, OCA to Ack, SECY/RAS ASLB

LETTER DATE: 05/18/2009
ACKNOWLEDGED: No
SPECIAL HANDLING: Commission Correspondence

NOTES:
FILE LOCATION: ADAMS
DATE DUE: 06/08/2009 **DATE SIGNED:**

EDO --G20090291

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Congress of the United States

House of Representatives

May 18, 2009

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Mr. Gregory B. Jaczko, Chairman
Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Chairman:

Congratulations on your recent appointment as Chairman of the Nuclear Regulatory Commission.

I have noted in the past your dissent in part regarding the relicensing process for Oyster Creek, New Jersey. I write to you today to share my concerns regarding the NRC staff's implementation of additional safety review instructions delineated in the order released on April 1, 2009, particularly as they relate to the drywell at this facility, the oldest in the country. Last Friday, with the assistance of NRC Congressional Liaison, my Chief of Staff, Mary McDermott Noonan, had an extensive conversation with NRC staff regarding this matter.

I appreciate the information the NRC staff provided and insights given as to why they have determined that an in-house review conducted by the NRC Division of Engineering may *technically* comply with the instruction (on page 68) to use "appropriate expertise" to conduct a thorough examination of the safety analyses submitted by Exelon. Still, it is my hope that the NRC will withhold its own internal staff review and instead give greater weight to the *intent* of the instruction which was to address the serious concerns put forth by the Atomic Safety and Licensing Board. As you know, to address these concerns, the ASLB itself specifically recommended to the Commission that an outside review be conducted by Sandia National Laboratories, not the NRC staff.

The relicensing decision notwithstanding, disagreement remains regarding the capacity reduction factor used by Exelon in its safety analysis. Thus, implementing the ASLB's recommendation for outside review specifically by Sandia is, I believe, an essential step as the NRC works to restore public confidence in the premise that public safety was given top priority in the relicensing process and that, going forward, the agency is fully committed to properly prioritizing and regulating safety standards at Oyster Creek.

I thank the staff for their time on Friday and look forward to receiving your response to my further request.

Sincerely,

CHRISTOPHER H. SMITH

Member of Congress