



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Environmental Safety and Health

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JON S. CORZINE
Governor

MARK N. MAURIELLO
Acting Commissioner

February 6, 2009

Exelon Generation Company, LLC
Attn: Pamela B. Cowan
200 Exelon Way
Kennett Square, PA 19348

Subject: Oyster Creek Nuclear Generating Station
Drywell Inspections Commitment

Dear Ms. Cowan:

The New Jersey Department of Environmental Protection (NJDEP) is in receipt of your letter dated January 23, 2009 in which you describe an "...intent to perform inspections of 50 percent of the drywell sand bed bays during the Oyster Creek Nuclear Generating Station refueling outage scheduled for the fall of 2010."

Your letter further states that "...any discrepancies found during that inspection will be evaluated for corrective action, including the need for expanded inspections."

The NJDEP understands that your letter is meant as a clarification to the commitment to the U.S. Nuclear Regulatory Commission contained in the license renewal application. In discussions with Exelon, we expressed concern that your intentions were not in writing, so you have documented them in the letter to me. They are not meant as an alteration to your formal commitments to the NRC.

It remains in the best interests of the residents of New Jersey that a robust and effective drywell inspection and water intrusion prevention program is implemented and maintained at Oyster Creek. Based upon the shortcomings identified in the recent NRC Inspection Report 05000219/2008007 relating to visual drywell inspections and unplanned water intrusion, it is NJDEP's position that it would be prudent to inspect 100 percent of the drywell bays during the fall 2010 refueling outage for sandbed coating failures.

In addition, to assure there is no standing water in the sand bed region during plant operation following a refueling outage, it would be prudent, for all future refueling outages, to visually inspect all drywell bays for water following drain down and prior to start up. Should the visual inspection pose worker safety issues or significantly increase worker exposure, it would be acceptable to explore technologies that can remotely monitor the presence of water in these areas. However, based on the NRC Inspection Report, it seems that the tubing and polybottle method is not reliable.

It must be clear that NRC is the cognizant regulatory agency for the Oyster Creek operating license. While NJDEP appreciates the opportunity to discuss these matters with Exelon, all commitments should be through the NRC so that they are documented and enforced through the inspection process. These inspection enhancements should be included as part of the corrective action needed in response to the unresolved item in the NRC's inspection report so that they can be implemented right now. For the future, if the NRC renews the operating license, they should be memorialized in the license conditions and associated regulatory commitments

Should you have any questions or need additional information, please contact me directly at (609) 633-7964 or Mr. Patrick Mulligan, Manager of the Bureau of Nuclear Engineering, at (609) 984-7701.

Sincerely yours,



Jill Lipoti, Ph.D.
Director

- c: Nancy T. McNamara, USNRC State Liaison Officer, Region 1
G. Edward Miller, USNRC Senior Project Manager, Oyster Creek
Marc S. Ferdas, USNRC Senior Resident Inspector, Oyster Creek
Lisa Regner, USNRC License Renewal Project Manager, Oyster Creek
Michael P. Gallagher, P.E., Vice President, License Renewal Projects, Exelon Nuclear
Timothy S. Rausch, Site Vice President, Oyster Creek Nuclear Generating Station