



## State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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CHRIS CHRISTIE  
*Governor*

KIM GUADAGNO  
*Lt. Governor*

BOB MARTIN  
*Commissioner*

May 10, 2010

The Honorable Gregory B. Jaczko, Chairman  
United States Nuclear Regulatory Commission  
Mail Stop O-16G4  
Washington, DC 20555-0001

Dear Chairman Jaczko:

This letter is to provide you with an update on the actions that I have taken with regard to a tritium discharge at Oyster Creek nuclear generating station in Forked River, New Jersey. As you know, Oyster Creek reported a tritium leak to us in April 2009, and another in August 2009.

The Department has been working with Exelon since the initial reports of the leak trying to get a picture of the extent of contamination. Through analysis of split samples provided by Exelon, it is clear that the concentrations of tritium in the Cape May aquifer are decreasing, but the tritium has moved downward into the Cohansey aquifer at levels over 1M pCi/L. To date, the groundwater flow through the Cohansey has not been adequately documented to allow for a definitive delineation of the extent of contamination.

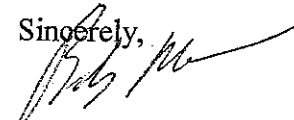
The action that I took on May 7, 2010 to issue a Spill Act Directive (under state law) was to ensure that Exelon cooperates fully with my Department in the investigation and remediation of the contamination of the Cohansey aquifer. This action was necessary to prevent the radioactive substance from ever reaching the region's potable water supplies.

Let me stress that there is no evidence that there is an immediate threat to public health from this discharge. My actions are to protect the water resources of New Jersey.

We have worked closely with the Nuclear Regulatory Commission (NRC) through our Memorandum of Understanding and we look forward to close cooperation as we proceed with our investigation of the tritium migration through the waters of the state. We understand that

you are re-evaluating the completeness of NRC actions to date on groundwater contamination and whether those actions need to be augmented. We commit to providing any insights we can to your process.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Martin", with a long horizontal flourish extending to the right.

Bob Martin  
Commissioner

c: Samuel Collins, Region 1 Administrator, NRC