



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

June 29, 2007

Richard Webster, Esq.  
Rutgers Environmental Law Clinic  
123 Washington Street  
Newark, NJ 07102-3094

Dear Mr. Webster:

This letter provides a response to the concerns raised in your March 30, 2007, letter which raises additional questions about the operability of the containment drywell shell at Oyster Creek Nuclear Generating Station (Oyster Creek). In this and previous communications (Letter dated November 7, 2006, Agencywide Documents Access and Management System (ADAMS) Accession Number ML063120572; e-mail dated November 9, 2006, ADAMS Accession Number ML070260177), you questioned the Nuclear Regulatory Commission (NRC) staff's basis for allowing restart of Oyster Creek from its most recent refueling outage (RFO 21) and the acceptability of confirmatory calculations performed by the NRC's contractor Sandia National Laboratories (SNL). The NRC responded to these communications by letters dated November 9, 2006 (ADAMS Accession No. ML063120196), and March 16, 2007 (ADAMS Accession No. ML070660182), respectively.

Paragraph 4 of our March 16, 2007, letter provided a discussion of information provided in the licensee's calculations. As a point of clarification, the NRC staff reviewed the licensee's calculations as well as confirmatory calculations performed on the NRC's behalf by SNL. The NRC staff did not perform independent calculations regarding the structural integrity of the Oyster Creek drywell shell. Therefore, no NRC-performed calculations or associated numerical assessments of uncertainty can be provided.

Prior to the restart from RFO 21, the NRC staff inspected the condition of the containment drywell shell as well as reviewed the AmerGen Energy Company, LLC's (AmerGen's) evaluation of the drywell shell condition. The results of these activities are documented in "NRC In-Service Inspection and License Renewal Commitment Followup Inspection Report 05000219/2006013," dated January 17, 2007 (ADAMS Accession Number ML070170396). In this inspection report, the NRC staff determined that there were no safety significant conditions with respect to the primary containment that would prohibit plant startup and there was reasonable assurance that the primary containment was capable of performing its design function throughout the upcoming operating cycle.

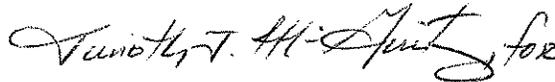
Further, the NRC staff discusses the SNL analysis and its applicability to the Oyster Creek licensing basis analysis in the "Safety Evaluation Report Related to the License Renewal of Oyster Creek Generating Station," dated March 2007 (ADAMS Accession Number ML070890637). In this report, the NRC staff concluded that the SNL report results support and confirm that the drywell will be able to perform its intended functions in its present condition. Also, Section 4.7.2 of the Safety Evaluation discusses the NRC staff's review of the drywell shell corrosion rate and concludes that licensee corrective actions have been successful in reducing and arresting the corrosion in the drywell shell. Conservative projections of the shell thickness to the year 2029, indicating adequate margin to the minimum wall thickness criteria,

and the licensee's drywell shell monitoring plan, which allows timely corrective action for any future degradation, provide assurance that the drywell will be able to perform its design function.

Additionally, in an e-mail to Mr. Richard Conte, dated June 4, 2007, and a letter dated June 7, 2007, you included a copy of the AmerGen Calculation C-1302-187-5320-024, Revision 2. In these communications, you asserted that several areas in the sandbed region do not meet the local thinning limits and as an example, you indicated that Figure 1-7 shows such an area. This calculation is not part of the current licensing basis for Oyster Creek and has not been submitted by AmerGen for NRC staff review in conjunction with a licensing action. The NRC staff notes, however, that while Figure 1-7 depicts a 9-square-foot thinned area, Section 7.1.3.4 of the calculation indicates that the cumulative size of the ten locally thin areas measured is significantly smaller than the analyzed 9-square-foot area.

The NRC staff considers the above referenced documents to be responsive to your information requests. If you wish to formally request the NRC to take a specific action with respect to the condition of the Oyster Creek drywell, you may do so pursuant to Title 10 of the *Code of Federal Regulations*, Part 2, Section 2.206. Additional concerns may be submitted through the NRC's allegation process. For more information on this process please refer to our website (<http://www.nrc.gov/about-nrc/regulatory/allegations/safety-concern.html>).

Sincerely,

A handwritten signature in cursive script, appearing to read "Catherine Haney", followed by a small mark that looks like a stylized "fox" or a similar flourish.

Catherine Haney, Director  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket No. 50-219

cc: See next page

Oyster Creek Nuclear Generating Station

Site Vice President - Oyster Creek  
Nuclear Generating Station  
AmerGen Energy Company, LLC  
P.O. Box 388  
Forked River, NJ 08731

Senior Vice President of  
Operations  
AmerGen Energy Company, LLC  
200 Exelon Way, KSA 3-N  
Kennett Square, PA 19348

Kathryn M. Sutton, Esquire  
Morgan, Lewis, & Bockius LLP  
1111 Pennsylvania Avenue, NW  
Washington, DC 20004

Kent Tosch, Chief  
New Jersey Department of  
Environmental Protection  
Bureau of Nuclear Engineering  
CN 415  
Trenton, NJ 08625

Vice President - Licensing and  
Regulatory Affairs  
AmerGen Energy Company, LLC  
4300 Winfield Road  
Warrenville, IL 60555

Regional Administrator, Region I  
U.S. Nuclear Regulatory Commission  
475 Allendale Road  
King of Prussia, PA 19406-1415

Mayor of Lacey Township  
818 West Lacey Road  
Forked River, NJ 08731

Senior Resident Inspector  
U.S. Nuclear Regulatory Commission  
P.O. Box 445  
Forked River, NJ 08731

Director - Licensing and Regulatory Affairs  
AmerGen Energy Company, LLC  
Correspondence Control  
P.O. Box 160  
Kennett Square, PA 19348

Manager Licensing - Oyster Creek  
Exelon Generation Company, LLC  
Correspondence Control  
P.O. Box 160  
Kennett Square, PA 19348

Regulatory Assurance Manager  
Oyster Creek  
AmerGen Energy Company, LLC  
P.O. Box 388  
Forked River, NJ 08731

Assistant General Counsel  
AmerGen Energy Company, LLC  
200 Exelon Way  
Kennett Square, PA 19348

Ron Bellamy, Region I  
U.S. Nuclear Regulatory Commission  
475 Allendale Road  
King of Prussia, PA 19406-1415

Correspondence Control Desk  
AmerGen Energy Company, LLC  
200 Exelon Way, KSA 1—1  
Kennett Square, PA 19348

Oyster Creek Nuclear Generating Station  
Plant Manager  
AmerGen Energy Company, LLC  
P.O. Box 388  
Forked River, NJ 08731