



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PA 19406-1415

November 9, 2006

Mr. Richard Webster  
Staff Attorney  
Rutgers Environmental Law Clinic  
123 Washington Street  
Newark, NJ 07102

Dear Mr. Webster:

In an e-mail dated September 26, 2006, addressed to Michael Modes, Team Lead for the Oyster Creek License Renewal Inspection, you posed a number of questions about the integrity of the former sandbed area of the Oyster Creek drywell. Information related to this subject can be found in NRC Inspection Report 05000219/2006007, dated September 21, 2006 (ADAMS Accession No. ML062650059) and the NRC "Safety Evaluation Report With Open Items Related to the License Renewal of Oyster Creek Generating Station" issued in August 2006 (ADAMS Accession No. ML062300330). In addition, you were present at the public exit meeting concerning this inspection, which was held on September 13, 2006, in Lacey Township, NJ, during which this subject was discussed and you asked numerous questions. The following responds to your September 26 e-mail.

The subject of emptying of the sandbed drain collection bottles (i.e., 5 gallon poly bottles or jugs) during the March 2006 license renewal inspection was discussed in the September 21, 2006 Inspection Report, on pages 23-24. During the inspection, the NRC inspection team overheard an Amergen technician talking about clearing the torus room for the NRC walkdown and emptying some bottles of water he found. Amergen told the NRC that a member of Amergen's staff was sent into the torus room, on the day before the NRC inspection team entered, in order to make sure the area was safe for the NRC team inspection walkdown. The Amergen staff took it upon themselves to empty the collection bottles into the floor drains provided for the purpose of catching water overflow, before the team entered the torus room. The overflow drains route liquid to the sump where it is then processed.

Because the bottles were emptied prior to any sampling or analysis, the source of the water was not determined and there was no determination about whether the water contained any radioactivity. The team inspected the bottles during their walkdown and noted there was no evidence of overflow from the bottles because there were no water stains or residue on the floors around the bottles. The technician responsible for emptying the bottles was asked about over-flow and indicated that only two of the five bottles were filled with water, and that no water was flowing out of the filled bottles.

During the NRC walkdown of the torus room, the NRC determined there was no discernable residue that could be analyzed. The NRC examined the bottles and concluded the high heat in the room dried the water bottles such that no usable residue was present. In addition, during the torus room walkdown, the NRC noted that, in one location, water was leaking from the

ceiling onto the torus. Amergen indicated that this leak was from a known condenser leak in the room above.

As noted in our inspection report, Amergen indicated that the bottles were improperly emptied without measurement or analysis and that it was unable to locate any documentation that showed prior surveillance of the water drains had been completed. Amergen also took corrective actions to ensure that, in the future, the drains would be monitored.

The NRC did evaluate the incident for enforcement action based on the commitment made by the licensee in 1996 to monitor leakage from the former sandbed drains. Using the guidance contained in NRC Manual Chapter 612 "Significance Determination Process," Appendix A ([www.nrc.gov/reading-rm/doc-collections/insp-manual/manual-chapter/index.html](http://www.nrc.gov/reading-rm/doc-collections/insp-manual/manual-chapter/index.html)), we determined this was a performance deficiency of minor significance because the performance deficiency had no impact on the safe operation of the plant. The failure to fulfill a commitment is not, by itself, a violation of our regulations. As noted in our inspection report, the performance deficiency related to the monitoring of leakage from the former sand bed region of the drywell was deemed not to be safety significant and was entered into the applicant's ongoing corrective action system.

Ten bays in the former sand bed region of the drywell were excavated and coated with an epoxy paint in 1992. Although Amergen has been performing regular visual inspections, prior to October 2006, five of the bays had not been visually inspected, but were inspected during the October 2006 outage. Each inspection is performed by an individual trained and qualified for visual inspection who enters the sand bed cavity. This individual inspects all accessible areas of the surface and documents the results of the survey. The NRC does not have a schedule of the inspections performed by Amergen prior to October of 2006 and has not received any Amergen reports or data related to these prior inspections.

As noted in our report, the NRC inspection of Amergen's aging management programs, including for the sand bed region, was conducted in accordance with NRC Manual Chapter 2516 and NRC Inspection Procedure 71002. The results of that team inspection are documented in Inspection Report 05000219/2006007, and are not based on the expertise of one individual.

The NRC continues to evaluate Amergen's proposed aging management programs related to the sand bed, including the embedded region. NRC staff conclusions about Amergen's aging management programs for the drywell shell will be included in the Safety Evaluation Report that is scheduled to issue in December 2006.

I trust that you will find this information responsive.

Sincerely,



Richard J. Conte, Chief  
Engineering Branch 1