

RAS 14810

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USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
OFFICE OF THE SECRETARY

December 19, 2007 (9:55am)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

- E. Roy Hawkens, Chair
- Dr. Paul B. Abramson
- Dr. Anthony J. Baratta

In the Matter of)	
)	Docket No. 50-219
AMERGEN ENERGY COMPANY, LLC)	
OYSTER CREEK NUCLEAR)	
GENERATING STATION)	
)	September 24, 2007
License Renewal for Oyster Creek Nuclear)	
Generating Station)	
)	

**CITIZENS' PROPOSED QUESTIONS REGARDING NRC STAFF'S SECOND
ERRATA TO THEIR TESTIMONY**

PRELIMINARY STATEMENT

In accordance with an oral ruling and Order from the Atomic Safety and Licensing Board (the "Board") on September 20, 2007, these proposed questions for the Board to ask the NRC Staff are submitted on behalf of Nuclear Information and Resource Service, Jersey Shore Nuclear Watch, Inc., Grandmothers, Mothers and More for Energy Safety, New Jersey Public Interest Research Group, New Jersey Sierra Club, and New Jersey Environmental Federation (collectively "Citizens").

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PROPOSED QUESTIONS

I. Purposes

One purpose of the questioning is to establish why the Staff changed their testimony to say that a safety factor of 2.0 is not a requirement. In addition, Citizens seek to clarify whether this change indicates that the NRC Staff believe the drywell shell may not meet the ASME code. In addition, Citizens seek to clarify the exact nature of the GE model that was incorporated into the UFSAR and clarify how the NRC Staff assessed the extent of corrosion and what their latest position is.

II. Proposed Questions

A. Panel 2: Acceptance Criteria

1. Your testimony contained numerous statements that the ASME code required a safety factor of 2.0 during refueling, but you have now changed those statements. Do you think those initial statements were wrong?
2. If yes, why are they wrong and did you regard these misstatements as significant? If not, why did you correct your testimony?
3. Please clarify exactly what you mean when you say the ASME code has "provisions" for a safety factor of 2.0. (NRC Initial Test. at A5)
4. Please clarify what you mean when you say the ASME Code "specified" a safety factor of 2.0. NRC Rebuttal Test. at A12(d), p29
5. If the ASME code "specifies" a factor of 2.0, wouldn't a failure to achieve a factor of 2.0 be a problem?
6. If not, does that mean the plant need not meet the ASME code provisions for a safety factor or 2.0, or are you saying the ASME code can be interpreted not to require a safety factor of 2.0?
7. Who decided that it was necessary for you to change your testimony?
8. Dr. Hartzman, in your sur-rebuttal testimony at A48 you have clarified that the GE local thinning model used a 3 foot by 3 foot cutout that straddled two bays and that this shape occurs in every alternate Bay. Does that mean that GE actually modeled half of the 3 foot by 3 foot cutout in each Bay?



9. If not, please draw a diagram showing exactly how the symmetry assumed in the model works to simulate all the Bays?
10. If the model uses 4.5 sq. ft. cutout shapes in each Bay, doesn't that mean the local area acceptance criterion should restrict the area in each Bay to less than 4.5 sq. ft.?
11. Please explain.
12. Referencing Dr. Hausler's latest extrapolations for the data in Bay 13 (Hausler Sur-rebuttal Test. at E. 61, Fig. 4) there is a severely corroded area at the edge of the Bay. What acceptance criterion is applied to this area? If the plot is correct, does Bay 13 meet that acceptance criterion?
13. Please explain.

B. Panel 3: Available Margin

14. Mr. Asher, in NRC Staff Rebuttal Test. at A40 (p14); you state that your conclusion regarding the extent of corrosion was not based solely on AmerGen's internal grid measurements.
 - a. What do you currently believe is the largest contiguous area that is thinner than 0.736 inches in any one Bay?
 - b. How did you derive this estimate?
 - c. In light of the change in Dr. Hartzman's understanding of the GE model, in each Bay shouldn't we only accept an area thinner than 0.736 inches that is smaller than 3 feet by 1.5 feet?
 - d. If not, why not?
 - e. Are you confident that the extent of corrosion is within the local area acceptance criterion?
 - f. Please estimate the statistical confidence you place in your conclusion.
 - g. What is your conclusion based upon?
15. Do you now believe that the drywell shell could have an effective factor of safety of less than 2.0 during refueling?

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16. What is the likelihood of the effective factor of safety being less than 2.0?

Respectfully submitted



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Dated: September 24, 2007