

John Richmond

From: Doug Tiffit , *RI*
Sent: Wednesday, November 19, 2008 7:10 AM
To: Richard Conte
Cc: John Richmond
Subject: NJ concerns re: OC PN
Attachments: Summary of Meeting to discuss NJ inspector concerns with OC PN; IMPORTANT: Response from NJDEP regarding OC PN and Board Notifications

Rich,

Attached are two email messages to catch you up.

-Doug

John Richmond

From: Doug Tiff
Sent: Tuesday, November 18, 2008 4:22 PM
To: Doug Tiff; Marsha Gamberoni; John Richmond; Marjorie McLaughlin; Nancy McNamara; Darrell Roberts; David Pelton; Scott Barber; Robert Summers; Richard Barkley; Karl Farrar
Cc: Diane Screnci; Neil Sheehan; Richard Conte; Ronald Bellamy; Stephen Pindale; Jeffrey Kulp; Justin Heinly; Richard Conte
Subject: Summary of Meeting to discuss NJ inspector concerns with OC PN

At 3pm on Tuesday, November 18 we held a meeting to discuss comments made by NJ state engineers to one of our regional inspectors. (See summary of conversation below) Attendees were: Marsha Gamberoni, John Richmond, Diane Screnci, Bob Summers, Scott Barber, Marjey McLaughlin, Doug Tiff, and Rich Barkley.

The following actions came out of the meeting:

- Call State of NJ DEP management to determine if the concern the engineers raised to our inspector was shared NJ DEP management.
 - IN PROGRESS: Patrick Mulligan, Chief NJ DEP BNE. (supervisor of inspectors J. Richmond spoke to) Pat had not heard the concerns from the inspector and doesn't expect these issues will be elevated. Pat will talk to the engineers to better understand their issues. Pat will call back Marjey later today or tomorrow. Marjey will followup with Doug and John tomorrow.
- Notify Karl Farrar of the email for potential IG considerations:
 - COMPLETE
- Marjey, Doug, and John discuss response from NJ DEP management to determine if additional actions are necessary and report back to Marsha.
 - INCOMPLETE

Thanks,
-Doug

From: Doug Tiff
Sent: Tuesday, November 18, 2008 2:45 PM
To: Marsha Gamberoni; John Richmond; Marjorie McLaughlin; Nancy McNamara; Darrell Roberts; David Pelton; Scott Barber; Robert Summers; Richard Barkley
Cc: Diane Screnci; Neil Sheehan; Richard Conte; Ronald Bellamy; Stephen Pindale; Jeffrey Kulp; Justin Heinly
Subject: RE: OC Update to NJ DEP

We have the DRS conference room at 3PM today to discuss.
-Doug

From: Marsha Gamberoni
Sent: Tuesday, November 18, 2008 1:58 PM
To: John Richmond; Doug Tiff; Marjorie McLaughlin; Nancy McNamara; Darrell Roberts; David Pelton
Cc: Diane Screnci; Neil Sheehan; Richard Conte; Ronald Bellamy; Stephen Pindale; Jeffrey Kulp; Justin Heinly
Subject: RE: OC Update to NJ DEP

John

Please get a comm team meeting together late this afternoon?

Thanks
Marsha

From: John Richmond

Sent: Tuesday, November 18, 2008 1:55 PM

To: Doug Tiff; Marjorie McLaughlin; Nancy McNamara; Darrell Roberts; Marsha Gamberoni; David Pelton

Cc: Diane Screnci; Neil Sheehan; Richard Conte; Ronald Bellamy; Stephen Pindale; Jeffrey Kulp; Justin Heinly

Subject: OC Update to NJ DEP

I provided an update to Rich Pinney and Ron Zak this morning. They are the NJ state inspectors for OC.

They strongly expressed "concern" that our issued PN had withheld important and significant information from the public!

As examples, they cited the fact that the PN did NOT discuss:

1. Strippable coating de-lamination
2. disconnected tubing from sand bed drain line poly bottles
3. 1/2 inch deep standing water in the sand bed bays
4. no confidence [sic] in AmerGen's monitoring of sand bed drains, while the plant is on-line (e.g., water could enter a sand bed bay and go undetected)
5. brightly rust colored water found in bay 17, on Friday 11/14 [in other bays, the water was not described as brightly rust colored]
6. no proof that there is not large [entire surface] areas of rust under the epoxy coating (e.g., the issue may have been mischaracterized as only a small area of one identified blister, versus significant corrosion that has not been evaluated)
7. corrosion rate of steel shell, in a broken blister, would be the same as uncoated steel, and will be significantly higher than the predicted corrosion rate of the same steel inside an unbroken blister, because in the past, the sand bed region experienced the loss of at least 1/2 inch of steel due to corrosion

They also expressed concern for the long time to get the inspection report issued (mid Jan, based on an exit date of 1st week of Dec). They said that "kept a gag order" on them, and prevented them from informing the public!

We also discussed whether two specific commitments had been met (i.e., strippable coating to prevent water leakage, and monitoring of sand bed drains). They characterized both issues as clear examples of AmerGen's failure to meet LR commitments. We also discussed the ROP program concepts for documenting performance deficiencies, findings versus NCVs (violations), the more-than-minor thresholds typically used in ROP inspections, and inspection observations (separate from a finding).

I cautioned them, that our discussions were pre-decisional, and that there has been no discussion with the licensee regarding any potential report observations, findings, or conclusions of inadequate commitment implementation.

Of the 7 examples they cited above, there is an element of fact in each statement, but for the most part, they've attempted to inflate the significance of an item, by taking facts out of context or changing the circumstances. A few of things they said were just plain and simple, factually wrong.

Any thoughts on where we go next with the State?

John R.

John Richmond

From: Marjorie McLaughlin
Sent: Wednesday, November 19, 2008 6:57 AM
To: Marsha Gamberoni; Darrell Roberts; Richard Conte; John Richmond; Doug Tiffit; Richard Barkley; Diane Screnci; Neil Sheehan; Nancy McNamara; Scott Barber; Ronald Bellamy; Karl Farrar
Cc: Stephen Pindale; Justin Heinly; David Pelton; Robin Barnes; Jeffrey Kulp
Subject: IMPORTANT: Response from NJDEP regarding OC PN and Board Notifications
Importance: High

Good Morning,

As reported yesterday, I spoke with Pat Mulligan, the Chief of NJ DEP's Bureau of Nuclear Engineering, yesterday about the concerns stated by 2 of his engineers (Pinney and Zak) with the NRC's Preliminary Notification on Oyster Creek. Pat had relayed to me that he had not heard the concerns from his staff, and did not think they were issues that would rise within NJDEP management. He stated that he wanted to talk to his staff, though, and that he would call me back.

This morning, I had a voice mail from Pat (left late yesterday). He told me that, although he had not thought this would be an issue, he heard from Dr. Jill Lipoti after he and I spoke. He did not say that she had concerns with the PN. However, he said that she was rather upset about the contents of AmerGen's Board notification. He did not specify these concerns. He only stated that he wanted to get more information and that he will call me today.

Proposed Next Actions:

1. Speak to Pat Mulligan, NJDEP, about Dr. Lipoti's concerns with AmerGen's Board Notification; ascertain if she has concerns with the NRC PN; and determine if Dr. Lipoti wishes to speak again with DRS management about this issue.

Owner = McLaughlin Date = 11/19/08

2. Notify this distribution of the outcome of that discussion, so that additional next steps may be determined.

Owner = McLaughlin Date = 11/19/08

3. Report on this matter at the 0845 to make Regional management aware.

Owner = McLaughlin Date = 11/19/08

Please respond with any concerns or additional proposed actions.

VR,
Marjorie

Received: from R1CLSTR01.nrc.gov ([148.184.99.7]) by R1MS01.nrc.gov
([148.184.99.10]) with mapi; Wed, 19 Nov 2008 06:56:27 -0500
Content-Type: application/ms-tnef; name="winmail.dat"
Content-Transfer-Encoding: binary
From: Marjorie McLaughlin <Marjorie.McLaughlin@nrc.gov>
To: Marsha Gamberoni <Marsha.Gamberoni@nrc.gov>, Darrell Roberts
<Darrell.Roberts@nrc.gov>, Richard Conte <Richard.Conte@nrc.gov>, John
Richmond <John.Richmond@nrc.gov>, Doug Tiftt <Doug.Tiftt@nrc.gov>, Richard
Barkley <Richard.Barkley@nrc.gov>, Diane Screnci <Diane.Screnci@nrc.gov>,
Neil Sheehan <Neil.Sheehan@nrc.gov>, Nancy McNamara
<Nancy.McNamara@nrc.gov>,
Scott Barber <Scott.Barber@nrc.gov>, Ronald Bellamy
<Ronald.Bellamy@nrc.gov>,
Karl Farrar <Karl.Farrar@nrc.gov>
CC: Stephen Pindale <Stephen.Pindale@nrc.gov>, Justin Heinly
<Justin.Heinly@nrc.gov>, David Pelton <David.Pelton@nrc.gov>, Robin Barnes
<Robin.Barnes@nrc.gov>, Jeffrey Kulp <Jeffrey.Kulp@nrc.gov>
Importance: high
Date: Wed, 19 Nov 2008 06:56:35 -0500
Subject: IMPORTANT: Response from NJDEP regarding OC PN and Board
Notifications
Thread-Topic: IMPORTANT: Response from NJDEP regarding OC PN and Board
Notifications
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X-MS-Exchange-Organization-SCL: -1
X-MS-TNEF-Correlator:
<2856BC46F6A308418F033D973BB0EE72AA549404E9@R1CLSTR01.nrc.gov>
MIME-Version: 1.0