

## BC Input to OC 2008-07

### COVER LETTER

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Mr. Charles G. Pardee  
Chief Nuclear Officer (CNO) and Senior Vice President  
Exelon Generation Company, LLC  
200 Exelon Way  
Kennett Square, PA 19348

SUBJECT: OYSTER CREEK GENERATING STATION - NRC LICENSE RENEWAL  
FOLLOW-UP INSPECTION REPORT 05000219/2008007

Dear Mr. Pardee

On December 23, 2008, the U. S. Nuclear Regulatory Commission (NRC) completed an inspection at your Oyster Creek Generating Station. The enclosed report documents the inspection results, which were discussed on December 23, 2008, with Mr. T. Rausch, Site Vice President, Mr. M. Gallagher, Vice President License Renewal, and other members of your staff.

The inspection examined activities conducted under your license as they relate to safety and compliance with the Commission's rules and regulations and with the conditions of your license. Part 50 results

With respect to activities authorized by 10 CFR 50, the inspectors found no findings of safety significance.

With respect to 10 CFR 54 activities and the NRC staff's Final Safety Evaluation Report (SER) - NUREG 1845, we observed and have come to understand that you are implementing the proposed license conditions of that document as listed in Section 1.7, Summary of Proposed License Conditions (Volume 1 ml 071290023) and the regulatory commitments listed in Appendix A of the SER (Volume 2 ml 071310246) as though you have an approved renewed operating license. We also noted that the proposed license conditions of NUREG 1845 for license renewal have evolved to that listed as Attachment 1 of SECY 08-0018 (ml 080110460) As an example, the proposed license condition in SECY 08-0018, item 2.C (11) indicated, in part, that you shall notify the NRC in writing when implementation of those license renewal activities are complete and can be verified by NRC inspection; this statement was not in the proposed license conditions of NUREG 1845. The question arises, which set of proposed license conditions are you implementing on a voluntary basis - for example, will you be sending such a "readiness letter"? If our understanding in these matters is not true or need to be clarified, please notify us in writing as soon as possible and clarify your intentions in this regard.

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Further, as you well know, an appeal of a licensing board decision regarding the Oyster Creek application for a renewed license is pending before the Commission related to the adequacy of the aging management program for the Oyster Creek drywell.

## BC Input to OC 2008-07

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The NRC is conducting these inspections using the guidance of Inspection Procedure (IP) 71003 "Post-Approval Site Inspection for License Renewal" as a prudent measure in order to take the opportunity to make observations of Oyster Creek license renewal activities during the last refuel outage prior to entering the period of extended operation. The inspectors reviewed selected procedures and records, observed activities, and interviewed personnel.

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## BC Input to OC 2008-07

The enclosed report records the inspector's observations, absent any determinations on adequacy or significance. We are doing this because the proposed regulatory commitments made as a part of the 10 CFR 54 application are not in effect pending the final licensing action by the Director of NRR in conjunction with Commissioners' decision on the appeal of the hearing issue. If you have any questions in this regard, please let us know.

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Further, the observation of your activities with respect to proposed activities for license renewal indicated that implementation did not go as you expected in association with certain regulatory commitments listed in the staff's final SER. These dealt with the installation of the strippable coating, the monitoring of the cavity drain trough drain, and the monitoring of the sand bed drains. At the exit meeting of December 23, 2008, you indicated that you were conducting a common cause analysis in addition to placing this information into your corrective action process, at a minimum, for future enhancement. With respect to the current situation for your 10 CFR 50 activities, we continue to believe that it is prudent for us to continue conducting observations of your license renewal activities and we plan a team inspection starting March 9, 2009 using the same guidance for this inspection. [ (b)(5) ]

[ (b)(5) ]

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web-site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room).

IN LIGHT OF THE REQUESTS FOR INFORMATION DD SHOULD SIGN

Sincerely,

Darrell Roberts, Director  
Division of Reactor Safety

## BC Input to OC 2008-07

### SUMMARY OF FINDINGS

IR 05000219/2008007; 10/27/2008 - 12/23/2008; Exelon, LLC, Oyster Creek  
Generating Station; License Renewal Follow-up

The report covers a multi-week inspection of license renewal follow-up items. It was conducted by five region based engineering inspectors and the Oyster Creek resident inspector. The inspection was conducted in accordance with Inspection Procedure 71003 "Post-Approval Site Inspection for License Renewal."

[ (b)(5) ] Ex

In accordance with the NRC's agreement with the State of New Jersey, state engineers observed portions of the NRC's staff review. The report documents inspection observations only.

[ (b)(5) ] Ex

## BC Input to OC 2008-07

### BODY OF REPORT -- SAMPLE SELECTION PROCESS

#### 1. Purpose of Inspection and Sample Selection Process

##### Background and Purpose

This inspection was conducted in order to observe AmerGen's continuing license renewal activities during the last refueling outage prior to Oyster Creek (OC) entering the extended period of operation.

[ (b)(5) ] EX. 5

Accordingly, the inspectors recorded observations, without any assessment of implementation adequacy or safety significance. Inspection observations were considered, in light of pending 10 CFR 54 license renewal commitments and license conditions, as documented in NUREG-1875, "Safety Evaluation Report (SER) Related to the License Renewal of Oyster Creek Generating Station," as well as programmatic performance under on-going implementation of 10 CFR 50 current licensing basis (CLB) requirements.

[ (b)(5) ] EX. 5

This inspection was conducted in order to observe AmerGen's continuing license renewal activities during the last refueling outage prior to Oyster Creek (OC) entering the extended period of operation.

Accordingly, the inspectors recorded observations, without any assessment of implementation adequacy or safety significance.

IP 71003 verifies license conditions added as part of a renewed license, license renewal commitments, selected aging management programs, and license renewal commitments revised after the renewed license was granted, are implemented in accordance with Title 10 of the Code of Federal Regulations (CFR) Part 54, "Requirements for the Renewal of Operating Licenses for Nuclear Power Plants."

At the time of the inspection, AmerGen Energy Company, LLC was the licensee for Oyster Creek Generating Station. As of January 8, 2009, the OC license was transferred to Exelon Generating Company, LLC by license amendment No. 271 (ML082750072).

##### Sample Selection Process

## **BC Input to OC 2008-07**

The reviewed SER proposed commitments and license conditions were selected based on several attributes including: the risk significance using insights gained from sources such as the NRC's "Significance Determination Process Risk Informed Inspection Notebooks," revision 2; the extent and results of previous license renewal audits and inspections of aging management programs; the extent or complexity of a commitment; and the extent that baseline inspection programs will inspect a system, structure, or component (SSC), or commodity group.

For each commitment and on a sampling basis, the inspectors reviewed supporting documents including completed surveillances, conducted interviews, performed visual inspection of structures and components including those not accessible during power operation, and observed selected activities described below. The inspectors also reviewed selected corrective actions taken as a consequence of previous license renewal inspections.