

**License Renewal**

Oyster Creek Applied for license renewal in July 2005. Petitions to intervene were filed from multiple stakeholder groups. Currently, only the Citizens' contention regarding the frequency of AmerGen's ultrasonic testing (UT) monitoring program for the drywell shell remains unresolved. In December 2007, the ASLB rejected the Citizens' contention challenging the frequency of AmerGen's ultrasonic testing (UT) monitoring program for the drywell shell during the renewal period. In January 2008, Citizens appealed the ASLB's decision to the NRC Commissioners. The Commission has not issued its decision on the most recent appeal.

In April 2007, the State of New Jersey petitioned the US 2<sup>nd</sup> Circuit Court of Appeals to have a potential terrorist attack considered in the license renewal process.

In June 2008 the Commission denied a Citizen's motion to stay the decision for issuance of a renewed license pending resolution of the metal fatigue issue and the 2<sup>nd</sup> Circuit Court's review of the Commission's decision on a rulemaking petition declining to expand the scope of license renewal review.

The State of New Jersey Bureau of Nuclear Engineering, in October 2007, requested that AmerGen's 3-dimensional analysis of the Oyster Creek drywell liner be submitted to the NRC for review before the period of extended operations. The NRC has received subsequent letters from the 9th District Legislative Offices in April 2008 requesting that the AmerGen's 3-dimensional analysis be made available to the public.

In January 2008, the New Jersey Department of Environmental Protection provided AmerGen with Coastal Management Zone Act Certification to operate Oyster Creek beyond 2009.

During the November 2008 outage, a License Renewal Commitments Inspection was performed. Several commitment implementation issues were identified. The NRC staff has not finalized its characterization of these issues, and has not held an exit meeting with the licensee. Inspection results provided a basis for the staff to conclude that there were no safety significant conditions with respect to the drywell containment that would prohibit startup (see PNO-1-08-012).

Prior to submitting the license renewal application, AmerGen was granted an exemption to the requirements of 10 CFR 2.109(b). Specifically, the licensee requested to be afforded the protection of having filed for renewal in a timely manner (i.e., greater than 5 years before expiration of the operating license) even though there was less than 5 years from the expiration of the Oyster Creek license (April, 2009). The staff granted the exemption provided that AmerGen submit an application sufficient for docketing on or before July 29, 2005, and provided any requested information in accordance with the review schedule. [

(b)(5)

(b)(5)

} E.S.

Additionally, the staff is developing questions and answers in support of the possibility that the licensee may not have a renewed license prior to April, 2009.

N/69