



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

December 8, 2017

Ms. Jenny Goodman, Manager
New Jersey Department of
Environmental Protection
Bureau of Environmental Radiation
Mail Code 25-01
P.O. Box 420
Trenton, NJ 08625-0420

SUBJECT: RESPONSE TO QUESTION REGARDING FINNINGER FARM
(CAC NO. MG0100)

Dear Ms. Goodman:

On August 16 and September 6, 2017, you contacted Mr. John Lamb of the U.S. Nuclear Regulatory Commission (NRC) staff via telephone and e-mail (Agencywide Documents Access and Management System (ADAMS) Accession No. ML17258A056), to inquire as to the effect of an NRC letter dated December 14, 2001 (ADAMS Accession No. ML013370031). In this letter, the NRC granted approval under Title 10 of the *Code of Federal Regulations* (10 CFR), Section 20.2002, "Method for obtaining approval of proposed disposal procedures," of AmerGen Energy Company, LLC's (AmerGen or the licensee)¹ request for approval of alternate disposal of certain licensed radioactive materials at Finninger Farm. Specifically, you asked whether the effect of this letter was to release this property for unrestricted use. The purpose of this letter is to respond to that question.

By letter dated December 29, 2000 (ADAMS Accession No. ML010180152), as supplemented by letters dated August 9, 2001 (ADAMS Accession No. ML012260177), and September 25, 2001 (ADAMS Accession No. ML012750362), AmerGen submitted a letter to the NRC requesting approval to dispose of licensed material generated at OCNGS pursuant to 10 CFR 20.2002. Specifically, AmerGen proposed to dispose of about 180,000 cubic yards of previously dredged material, which contained the licensed material generated at OCNGS, onto the Finninger Farm property immediately to the east of the OCNGS site. The Finninger Farm property is owned by the licensee, but it is not considered part of the OCNGS site as defined in the Updated Final Safety Analysis Report. The previously dredged material was generated as a result of dredging portions of the Oyster Creek and Forked River in 1978, 1984, and 1997. The licensee's dredging of these waterways was performed in accordance with the New Jersey Board of Public Utilities.

¹ By Order dated October 5, 2000 (ADAMS Accession No. ML003759142), the NRC approved the indirect transfer of the license, which was the result of corporate restructuring from AmerGen to Exelon Corporation.

The licensee is responsible for dredging shoals based on an agreement between its predecessor company, Jersey Central Power & Light, and the New Jersey Board of Public Utilities to allow boats to navigate Oyster Creek and Forked River and provide access to docks. Dredging of Oyster Creek and Forked River is under the jurisdiction of the U.S. Army Corps of Engineers, and a State of New Jersey Waterfront Development Permit is required under New Jersey's Waterfront Development Law (N.J.S.A. 12:5-3 *et seq*) in accordance with "The Management and Regulation of Dredging Activities and Dredged Material in New Jersey's Tidal Waters" (ADAMS Accession No. ML072670417).

In 1996, the licensee conducted sampling of nine sites within the region of the South Branch of the Forked River planned for dredging. Sampling was performed in accordance with sampling procedures approved by the Land Use Regulation Program, New Jersey Department of Environmental Protection. The sampling verified radioactivity in the dredged material resulting from releases from the Oyster Creek Nuclear Generating Station (OCNGS) in effluents meeting 10 CFR Part 20, Appendix B, and 10 CFR Part 50, Appendix I limits.

Annual environmental monitoring of the OCNGS site and its surroundings is conducted under the OCNGS Radiological Environmental Monitoring Program. The OCNGS Radiological Environmental Monitoring Program reports include surface water, groundwater, and sediment sampling results. Monitoring results for the 5-year period of 2000 through 2004 indicated that the radiation and radioactivity in the environmental media monitored around the plant are well within applicable regulatory limits. The only radionuclide consistently detected is Cesium-137 in sediment, a result of historical plant releases and fallout from nuclear weapons testing (ADAMS Accession No. ML070100234).

By letter dated December 14, 2001 (ADAMS Accession No. ML013370031), the NRC approved the request to dispose of the previously dredged material at Finninger Farm in accordance with 10 CFR 20.2002. The NRC staff found that the disposal would result in a potential annual dose to a member of the public of less than 1 millirem (mrem). This calculated dose was well below the 10 CFR 20.1301, "Dose limits for individual members of the public," annual dose limit of 100 mrem, and the 10 CFR 20.1402, "Radiological criteria for unrestricted use," annual dose limit of 25 mrem. Therefore, the NRC staff concluded that the licensee's application, pursuant to 10 CFR 20.2002, would not have an adverse impact on the public and was acceptable. The NRC staff did not place any restrictions on the Finninger Farm property due to the previously dredged material deposition and did not find that the property was subject to the licensing requirements of the Atomic Energy Act of 1954, as amended (AEA), or the NRC's regulations.

In sum, the NRC's letter dated December 14, 2001, did not release the site for unrestricted use, because the site was never subject to licensing requirements. Accordingly, the letter also does not restrict the use of Finninger Farm property under the AEA or the NRC's regulations.

If you have any questions, you can contact me at 301-415-3100 or by e-mail at John.Lamb@nrc.gov.

Sincerely,

A handwritten signature in black ink that reads "John G. Lamb". The signature is written in a cursive style with a large, prominent "J" and "L".

John G. Lamb, Senior Project Manager
Special Projects and Process Branch
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-219

cc: Mr. Bryan Hanson
Senior Vice President
Exelon Generation Company, LLC
President and Chief Nuclear Officer
Exelon Nuclear
4300 Winfield Road
Warrenville, IL 60555

Listserv

SUBJECT: RESPONSE TO QUESTION REGARDING FINNINGER FARM
(CAC NO. MG0100) DATED DECEMBER 8, 2017

DISTRIBUTION:

PUBLIC
PM File Copy
RidsACRS_MailCTR Resource
RidsNrrDorlLspb Resource
RidsNmssDuwp Resource
RidsNrrLAJBurkhardt Resource
RidsNrrLAIBetts Resource
RidsNrrPMJLamb Resource
RidsRgn1MailCenter Resource
JBowman, EDO Region 1

ADAMS Accession No.: ML17227A330

*via e-mail

OFFICE	NRR/DORL/LSPB/PM	NRR/DORL/LSPB/LAIt	NRR/DORL/LSPB/LA
NAME	JLamb	IBetts	JBurkhardt
DATE	09/19/17	09/20/17	09/21/17
OFFICE	OGC - NLO	NRR/DORL/LSPB/BC	NRR/DORL/LSPB/PM
NAME	JWachutka	DBroaddus	JLamb
DATE	09/28/17	12/07/17	12/08/17

OFFICIAL RECORD COPY