

~~EX-100-5-ALL~~

Karl Farrar

From: Darrell Roberts, *RI*
Sent: Thursday, November 13, 2008 9:35 PM
To: Marc Dapas; Sam Collins; Richard Conte; John Richmond; Brian Holian; David Pelton
Cc: David Lew; Ronald Bellamy; Nancy McNamara; Marjorie McLaughlin; Diane Screnci; Karl Farrar; Neil Sheehan; Glenn Meyer; Marsha Gamberoni; Michael Scott
Subject: Oyster Creek drywell shell - status update

All,

Oyster Creek is currently on track for starting up this weekend (tentatively planned for Sunday, Nov. 16) from its current refueling outage. Given the issues that were identified during the drywell shell inspections and the need for determining the appropriate vehicle for communicating our results to the public, there are three main activities for which I want to update the status: 1) success path for resolving any immediate safety issues regarding drywell integrity; 2) communication strategy going forward; and 3) license renewal commitments inspection exit and implications.

Success Path for Resolving any Immediate Potential Safety Issues Regarding Drywell Integrity:

The licensee has or will have completed technical evaluations for seven areas during this outage: four tech evals for four sets of ultrasonic testing (UT) measurements taken at various points during the drywell inspection; and three newer evaluations - one each for the issues that were ID'd during the licensee's inspections (i.e., the blister and bumps in Bay 11 sandbed region; the problem with the moisture barrier and small amount of rust/corrosion at the floor in Bay 3 sandbed region; and the reactor cavity strippable coating delamination issue that allowed water leakage from the reactor cavity down the drywell shell). The inspectors are assigning highest priority to those issues that potentially impact drywell integrity.

Steps taken and next steps: Inspectors have toured several drywell sandbed region bays during this outage to independently assess the licensee's repair activities and their characterization of identified issues. The inspectors will have reviewed the individual technical evaluations to determine if they agree with the licensee's conclusions. The licensee has scheduled a PORC (first of two startup PORC meetings) Friday at 10:00 am, at which the technical evaluation results will be presented to licensee management by plant staff. Resident inspectors will be present at the PORC. Subsequent to the PORC, a management call between Region I, NRR/DLR reps, Amergen, and representatives from the State of NJ is tentatively scheduled for 1:00 pm Friday. We will communicate any lingering concerns from our reviews of the licensee's test data and technical evaluations during this call. We will communicate any further needs for information exchange, reviews or briefings regarding drywell structural integrity which may be needed prior to plant restart. We have adequate inspection resources to complete our reviews and resolve any potential immediate safety concerns regarding drywell integrity prior to the licensee's scheduled restart.

Communication Strategy Going Forward:

We've been discussing the appropriate medium for communicating to interested parties the results of our inspections. NRC internal stakeholders agree that issuing a Preliminary Notification would be the best option for the staff. This would allow the staff to communicate our position on any immediate safety issues regarding drywell integrity. P/Ns are also publicly available on the NRC Website. Issuance of a P/N would occur only after we reach closure on any potential safety issues discussed above, and as close after the restart from the outage as possible.

Ideally, a P/N would occur after the licensee itself has reached out to interested parties via some form of communication (e.g., press release, board notification, letter to NRC staff, whatever they choose). We have been in discussions with licensee management as to their plans for conducting such outreach. They are

G/95

consulting with their own legal counsel to determine the appropriateness and timing of such outreach. In preparing our comm plan, we will continue our dialogue with licensee management regarding a decision on whether/when they plan to issue any communications on OC's startup and their determination of drywell structural integrity for the next operating cycle. We will also continue working with OGC, NRR, and other internal stakeholders to determine the appropriate timing and content of our P/N. Once decided, the P/N will be one step in our finalized communication plan currently under development. The comm plan will also include talking points for SLOs and PAOs. We are targeting Monday, November 17, as the date to implement the plan (again, this will be informed by our continued dialogue with the licensee as we prepare the comm plan Friday).

Note: The licensee and NRC staff issued separate board notifications over a week ago. The staff's notification focused on the first identified issue (blisters in Bay 11). The licensee's notification later in the week mentioned the Bay 11 issue and a development in Bay 3 associated with the moisture barrier seal and slight rust/corrosion indications. Neither the licensee's nor the staff's notification mentioned the reactor cavity leakage stemming from the strippable coating applied in the reactor cavity.

License Renewal Inspection Exit and Communications:

The Region's license renewal commitments inspection is continuing as a number of the issues identified during the outage and inspection are tied to the licensee's implementation of commitments contained in the license renewal final safety evaluation report (particularly SER Commitment 27, ASME IWE, Containment Metallic Liner Inservice Inspection). The staff is still reviewing those issues and will schedule an exit meeting at a time commensurate with the completion of the inspection. Many of the issues identified during this outage are tied to a determination of the effectiveness of the licensee's commitments and the implementation thereof rather than to any immediate safety concerns. This is based on the inspectors' preliminary reviews of the licensee's actions to evaluate the drywell's structural integrity. Note: this is only the first of two IP 71003 commitments inspections with the second tentatively scheduled for late Winter 2009 - prior to the April 2009 period of extended operations.

We have been made aware that the State of NJ may be issuing a letter to NRC as soon as our inspection report is issued regarding some of the concerns Dr. Jill Lipoti raised during two phone calls with the staff today (Thursday, November 13 - one with Donnie Ashley and a later one with Region I staff including me, Rich Conte, Nancy M. and John R.) concerning the licensee's current commitment for visual drywell inspection frequency. Any decisions the staff makes in this regard will have to be accompanied with a communication plan which will likely be tied to the issuance of this or the next inspection report.

DJR

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From: Darrell Roberts <Darrell.Roberts@nrc.gov>
To: Marc Dapas <Marc.Dapas@nrc.gov>, Sam Collins <Sam.Collins@nrc.gov>,
Richard Conte <Richard.Conte@nrc.gov>, John Richmond <John.Richmond@nrc.gov>,
Brian Holian <Brian.Holian@nrc.gov>, David Pelton <David.Pelton@nrc.gov>
CC: David Lew <David.Lew@nrc.gov>, Ronald Bellamy <Ronald.Bellamy@nrc.gov>,
Nancy McNamara <Nancy.McNamara@nrc.gov>, Marjorie McLaughlin
<Marjorie.McLaughlin@nrc.gov>, Diane Screnci <Diane.Screnci@nrc.gov>, Karl
Farrar <Karl.Farrar@nrc.gov>, Neil Sheehan <Neil.Sheehan@nrc.gov>, Glenn
Meyer <Glenn.Meyer@nrc.gov>, Marsha Gamberoni <Marsha.Gamberoni@nrc.gov>,
Michael Scott <Michael.Scott@nrc.gov>
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