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September 19, 2008

Dr. Jill A. Lipoti, Ph.D.
State of New Jersey
Dept. of Environmental Protection
Division of Environmental Safety and Health
PO Box 424
Trenton, New Jersey 08625-0424

Dear Dr. Lipoti:

Please be advised that in light of our conversations, Oyster Creek Generating Station made notification on September 18, 2008 to the NJ DEP hotline of the elevated tritium levels initially detected in the storm water found in the construction excavation on September 8, 2008. As stated in our notification, the elevated tritium levels were later determined to be in error. We are confident that no spill and or discharge occurred.

While we understand your concerns about the need for the hotline notification, we believe that it is equally important to formally advise the agency of the Station's perspective on the situation. Additionally, these recent events highlight the need for continued collaboration to reach agreement on the reporting process going forward.

By way of background, as part of the Station's tritium risk reduction efforts, a new de-mineralized water storage tank is under construction to provide a source of non-tritiated make-up water for the isolation condensers. Prior to construction, the core bore samples were obtained from the excavation area and analyzed for gamma emitting radionuclides. All analytical results were less than the lower limit of detection for gamma radiation.

Subsequent to obtaining all necessary permits for the tank, construction began in August with excavation of the tank footings. During excavation, a four-inch diameter pipe was encountered that is used to drain the torus water storage tank. Since future plans called for line abandonment, the station decided to remove the pipe from the excavation area. The Station developed and implemented a radiological "as low as reasonably achievable" (ALARA) plan prior to the removal of the pipe to provide safe conditions for the workers and to ensure that no discharges from the pipe would occur to the soil. The ALARA plan was designed with redundant safeguards against a spill and preventing any contact with the soil in the area of the excavation. The ALARA plan included (1) erection of a containment tent with a non-porous bottom erected around the pipe, (2) placement of a plastic lined drip pan under the pipe, (3) a HEPA filter and vacuum unit installed in the tent to maintain negative pressure, (4) pumping all liquid from the pipe into two drums in secondary containment, (5) the open pipe ends were mechanically sealed and double-wrapped in plastic to secure them and (6) removal of all drummed materials and components of the containment system from the excavation. This was the condition of the excavation when work stopped on Friday, September 5, 2008.

Over the weekend, September 6 and 7, heavy rains caused by tropical storm Hanna resulted in storm water accumulation in the excavation. A storm water puddle was sampled for tritium and gamma emitting radionuclides. No gamma emitting radionuclides were detected, but the initial sample indicated an elevated level of tritium. Given the comprehensive precautions taken to prevent a release to the environment while cutting and draining the pipe, and the close observation by Station personnel confirming that there had been no discharge from the pipe during removal, it was decided to resample and test the storm water from the excavation.

Even though the results from the follow-up sample indicated no discharge had occurred, a comprehensive sampling plan was developed and implemented to evaluate soil and storm water within the excavation and groundwater in the surrounding area. Additionally, the storm water was pumped from the excavation, stored and later re-sampled for gamma emitting radionuclides and tritium. The analytical results from the storm water samples indicated significantly reduced tritium levels that were considerably below federal drinking water standards. Analysis of the soil samples indicated no gamma emitting radionuclides. Furthermore, the groundwater sample analysis, performed by an independent laboratory, confirmed no tritium was present in the groundwater.

Since significant precautions to prevent a release had been implemented, gamma-emitting isotopes contained in the pipe were not found in the soil, storm water or groundwater, and the additional storm water samples for tritium were only slightly above detectable concentrations, the Station has concluded that no discharge of tritium occurred. Furthermore, the Station has concluded that the initial elevated test result was due to a laboratory error. The Station is in the process of reviewing laboratory procedures to identify and correct the conditions that led to the error.

We understand the NJDEP's practice that elevated tritium levels are usually associated with a discharge that triggers the notification of the DEP hotline. However, the Station believes that N.J.A.C. 7:1E-5.3 allows for the reasonable exercise of judgment when determining whether a discharge has occurred. In the current situation, where redundant precautions were taken to prevent a discharge to the soil, no discharge was in fact observed, and the pipe was completely secured while work was suspended. We are confident that there had been no discharge to the environment. The fact that the subsequent tests found significantly reduced levels of tritium confirms the Station's conclusion. Even though the Station concluded no discharge had occurred, a courtesy notification was provided to the NJDEP within 24-hours of the initial sample.

In order to ensure that the Department's concerns are addressed, and at the same time provide guidance as to when a discharge can be assumed, we suggest that we meet to establish reporting procedures that are protective of the environment while avoiding notifications that are not within the scope of N.J.A.C. 7:1E-5.3.

Should you have any questions concerning this letter, please contact Jhansi Kandasamy, Regulatory Assurance Manager, at (609) 971-4754.

Timothy S. Rausch
Vice President
Oyster Creek Nuclear Generating Station

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