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AFFILIATION: NJ

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SUBJECT: Oyster Creek Generating Station

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ACKNOWLEDGED No

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NOTES:

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DATE DUE: 10/10/2008

DATE SIGNED:



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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Governor

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LISA P. JACKSON
Commissioner

September 16, 2008

United States Nuclear Regulatory Commission
Document Control Desk
Washington, DC 20555-0001

Subject: Oyster Creek Generating Station
Facility Operating License No. DPR-16
Docket No. 50-219
Drywell Analysis ASLB

Dear Commissioners:

The New Jersey Department of Environmental Protection (NJDEP) has been closely following the developments related to the Atomic Safety and Licensing Board's (ASLB) actions on the drywell corrosion monitoring issue at Oyster Creek. Most recently, the ASLB has determined that a public hearing to conduct oral arguments on this issue will be held on September 18, 2008 to try to clarify whether the three-dimensional structural analysis of the drywell, that AmerGen committed to perform prior to entering the proposed period of extended operation, will satisfy Judge Baratta's concerns. While NJDEP is not a party to the hearing, it seems timely for us to communicate our expectations on this issue.

NJDEP expects that the Oyster Creek three-dimensional structural analysis of the drywell will:

- be based upon actual thickness measurements, including those to be taken during the upcoming October 2008 refueling outage;
- determine if all ASME Code allowables are being met for every current licensing basis drywell load combination;
- be submitted to the NRC and the NJDEP in its entirety;
- if necessary, additionally be submitted to the NRC in a non-proprietary version (with absolute minimal, specifically justified redactions) in sufficient detail to allow for independent third party review of the analysis including detailed methodology of the drywell modeling, complete design and analysis assumptions with supporting justifications, and detailed discussion of inputs and results including justification for any capacity reduction factors if used in the evaluation.

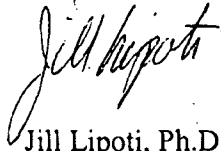
NJDEP expects the NRC to:

- review the documentation as submitted, and provide a detailed description of their methodology used to evaluate the analysis in a supplemental Safety Evaluation Report (SER);
- discuss uncertainties in the model, uncertainty in inputs to the model, and any other measurement uncertainties that could contribute to the overall uncertainty of the result;
- summarize its findings about the margin available above the current licensing basis.

NJDEP intends to review the drywell analysis and provide any comments to the NRC. It would, therefore, be prudent for Oyster Creek's drywell submittal to be made well before the current commitment deadline (April 2009) to allow for proper reviews and comment resolution by all parties to be completed before the Commission reaches a decision on allowing Oyster Creek to enter a period of extended operation.

Should you have any questions or need additional information, please contact me directly at (609) 633-7964 or Mr. Patrick Mulligan, Manager of the Bureau of Nuclear Engineering, at (609) 984-7701.

Sincerely yours,



Jill Lipoti, Ph.D.
Director

c: E. Roy Hawken, USNRC Chairman, Administrative Judge, Atomic Safety and
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