

**THE BOARD OF CHOSEN FREEHOLDERS  
OFFICE OF THE FREEHOLDER DIRECTOR**

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**John P. Kelly**  
Director of Law and Public Safety



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October 15, 2008

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

**Re: Oyster Creek Nuclear Generating Station  
License No. DPR-16  
Docket No. 50-0219, Drywell Analysis ASLB**

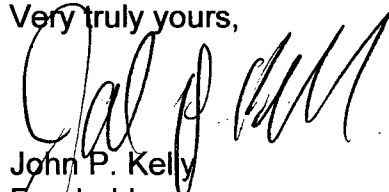
Dear Commissioners:

I am in receipt of a September 16, 2008 letter from Dr. Jill Lipoti at the New Jersey Department of Environmental Protection. Dr. Lipoti outlined several expectations related to the reevaluation of the drywall corrosion monitoring at the Oyster Creek Nuclear Generating Station in Lacey Township. The reevaluation results from concerns raised by Judge Baratta during the recent review by the Atomic Safety Licensing Board.

This letter was provided to me by Ms. Janet Tauro, a resident of Ocean County. Her group concurs with the State's request for the release of the original test data so that it can be evaluated by an independent third party.

I am forwarding this information to you for your information and review. It has been the Board's position to provide the NRC with all requests for information that it receives regarding the relicensing of the Oyster Creek Nuclear Generating Plant.

Very truly yours,

  
John P. Kelly  
Freeholder

JPK/DJM:mac

c: Janet Tauro  
Cheryl Rundle-Borowski  
Gail Marsh Saxer, League of Women Voters of Ocean County  
James L. Laird, Director, Public Affairs, Excelon Corporation

ADD  
NRC



State of New Jersey  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JON S. CORZINE  
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.

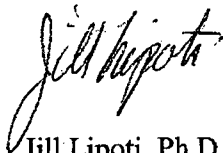
NJDEP expects the NRC to:

- 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 Hawkens, USNRC Chairman, Administrative Judge, Atomic Safety and Licensing Board  
Nancy T. McNamara, USNRC State Liaison Officer, Region 1  
G. Edward Miller, USNRC Senior Project Manager, Oyster Creek  
Marc S. Ferdas, USNRC Senior Resident Inspector, Oyster Creek  
Donnie J. Ashley, USNRC License Renewal Project Manager, Oyster Creek  
Michael P. Gallagher, P.E., Vice President, License Renewal Projects, AmerGen Energy Company, LLC  
Timothy S. Rausch, Site Vice President, Oyster Creek Nuclear Generating Station