

EDO Principal Correspondence Control

FROM: DUE: / / EDO CONTROL: G20090110  
DOC DT: 01/30/09  
FINAL REPLY:

Jill Lipoti, Director  
Department of Environmental Protection  
State of New Jersey

TO:

Commission

FOR SIGNATURE OF : \*\* GRN \*\* CRC NO: 09-0033

DESC:

Review of the Results of the Three Dimensional  
Structural Analysis of the Oyster Creek Nuclear  
Generating Station Drywell Shell  
(EDATS: SECY-2009-0090)

ROUTING:

Borchardt  
Virgilio  
Mallett  
Ash  
Ordaz  
Cyr/Burns  
Collins, RI  
Shoop, OEDO  
Trocine, OEDO

DATE: 03/04/09

ASSIGNED TO: CONTACT:

NRR

Leeds

SPECIAL INSTRUCTIONS OR REMARKS:

For Appropriate Action.

Ref: G20090108

Template: SECY-017

E-RMS: SECY-01

**EDATS Number:** SECY-2009-0090

**Source:** SECY

## General Information

**Assigned To:** NRR

**OEDO Due Date:** NONE

**Other Assignees:**

**SECY Due Date:** NONE

**Subject:** Review of the Results of the Three Dimensional Structural Analysis of the Oyster Creek Nuclear Generating Station Drywell Shell

**Description:**

**CC Routing:** NONE

**ADAMS Accession Numbers - Incoming:** NONE

**Response/Package:** NONE

## Other Information

**Cross Reference Number:** G20090110, LTR-09-0033

**Staff Initiated:** NO

**Related Task:**

**Recurring Item:** NO

**File Routing:** EDATS

**Agency Lesson Learned:** NO

**Roadmap Item:** NO

## Process Information

**Action Type:** Appropriate Action

**Priority:** Medium

**Signature Level:** No Signature Required

**Sensitivity:** None

**Urgency:** NO

**OEDO Concurrence:** NO

**OCM Concurrence:** NO

**OCA Concurrence:** NO

**Special Instructions:** For Appropriate Action. Ref: G20080108

## Document Information

**Originator Name:** Jill Lipoti

**Date of Incoming:** 1/30/2009

**Originating Organization:** State of New Jersey, Department of Environmental Protection

**Document Received by SECY Date:** 3/4/2009

**Addressee:** Commission

**Date Response Requested by Originator:** NONE

**Incoming Task Received:** Letter

OFFICE OF THE SECRETARY  
CORRESPONDENCE CONTROL TICKET

*Date Printed: Mar 04, 2009 11:08*

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**PAPER NUMBER:** LTR-09-0033 **LOGGING DATE:** 01/29/2009  
**ACTION OFFICE:** EDO  
  
**AUTHOR:** Jill Lipoti  
**AFFILIATION:** NH  
**ADDRESSEE:** Document Control Desk  
**SUBJECT:** Oyster Creek Generating Station  
  
**ACTION:** Appropriate  
**DISTRIBUTION:** RF  
  
**LETTER DATE:** 01/30/2009  
**ACKNOWLEDGED** No  
**SPECIAL HANDLING:**  
  
**NOTES:** Ex Parte letter to Jill Lipoti signed by AVC 03/03/2009 (copy attached)  
  
**FILE LOCATION:** ADAMS  
  
**DATE DUE:** **DATE SIGNED:**

EDO --G20090110



## State of New Jersey

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

JON S. CORZINE  
Governor

Division of Environmental Safety and Health  
P.O. Box 424  
Trenton, New Jersey 08625-0424  
Phone: (609) 633-7964  
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MARK N. MAURIELLO  
Acting Commissioner

January 30, 2009

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.

Recently, on January 22, 2009, Exelon submitted to the NRC the results of their three dimensional (3-D) structural analysis of the Oyster Creek drywell shell. NJDEP's initial review of this 394 page "summary" submittal indicates that the complete analysis package should have a comprehensive and in-depth review performed by the NRC staff or Sandia National Laboratories (Sandia) prior to any decision by the Commission on Oyster Creek's application for an extended operating license. This course of action is consistent with that recommended to the Commission by the ASLB in their October 29, 2008 Memorandum, page 17, Recommendation 6.

The NJDEP's initial review also indicates that the comprehensive review should specifically address Sandia's concerns related to the justification of the capacity reduction factors used in the 3-D analysis. This is consistent with the action recommended to the Commission by the ASLB in their October 29, 2008 Memorandum, page 16, Recommendation 2.

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  
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  
Lisa Regner, 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



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

March 3, 2009

SECRETARY

Dr. Jill Lipoti  
Director  
Department of Environmental Protection  
P.O. Box 424  
Trenton, New Jersey 08625-0424

Dear Dr. Lipoti:

I am responding to your letter of January 30, 2009, in which you request that a comprehensive and in-depth review of the results of the three dimensional structural analysis of the Oyster Creek Nuclear Generating Station drywell shell be performed by the NRC staff or Sandia National Laboratories prior to a decision by the Commission on the license renewal application for the plant.

Under NRC regulations, the Commission has an adjudicatory role in the Oyster Creek license renewal proceeding. An appeal is currently pending before the Commission with respect to the Oyster Creek license renewal application, specifically related to the analysis referenced in your letter. Due to the nature of the Commission's role, all members of the Commission must remain impartial while this case is pending. At this time, therefore, the Commission cannot discuss or comment on issues involved in this matter. However, I am referring your letter to the Office of Nuclear Reactor Regulation, which is responsible for reviewing the Oyster Creek license renewal application.

A copy of your letter and this response will be served on the participants in the Oyster Creek proceeding.

Sincerely,

  
Annette L. Vietti-Cook

cc: Oyster Creek Service List