



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

March 3, 2009

DOCKETED
USNRC

March 9, 2009 (2:00pm)

SECRETARY

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

SERVED MARCH 9, 2009

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,

A handwritten signature in dark ink, appearing to read "Annette Vietti-Cook", is written over a horizontal line.

Annette L. Vietti-Cook

cc: Oyster Creek Service List



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

JON S. CORZINE
Governor

Division of Environmental Safety and Health
P.O. Box 424
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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 OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
AMERGEN ENERGY COMPANY, LLC)	Docket No. 50-219-LR
)	
)	
(Oyster Creek Nuclear Generating Station))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LETTER FROM THE SECRETARY TO JILL LIPOTI IN RESPONSE TO HER JANUARY 30, 2009 LETTER, has been served upon the following persons by electronic mail this date, followed by deposit of paper copies in the U.S. mail, first class, and NRC internal mail.

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Docket No. 50-219-LR
 LETTER FROM THE SECRETARY TO JILL LIPOTI
 IN RESPONSE TO HER JANUARY 30, 2009 LETTER

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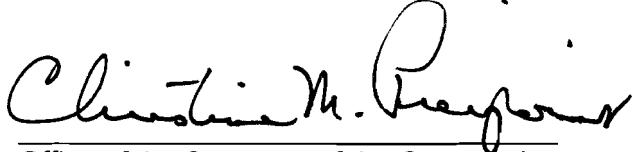
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Docket No. 50-219-LR
LETTER FROM THE SECRETARY TO JILL LOPITI
IN RESPONSE TO HER JANUARY 30, 2009 LETTER

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Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 9th day of March 2009