



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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LISA P. JACKSON
Commissioner

October 12, 2007

Pao-Tsin Kuo, Director
Division of License Renewal
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Dr. Kuo:

The New Jersey Department of Environmental Protection (NJDEP) has maintained an active interest in the proceedings related to the contention being raised against the NRC and Oyster Creek by several public interest groups represented by the Rutgers Environmental Law Clinic. The contention was heard by the Atomic Safety and Licensing Board, with my staff in attendance.

During the proceeding, AmerGen reiterated their commitment to perform the 3-D (dimensional) finite-element analysis of the drywell shell prior to entering the period of extended operations. However, AmerGen stated they do not intend to submit the new structural analysis to the NRC. If the NRC chooses to inspect the new structural analysis, the staff will have to travel to the Oyster Creek site to confirm that the calculations show that the current licensing basis will be maintained.

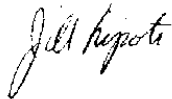
It remains NJDEP's position, and as supported in your letter to the NJDEP dated March 2, 2007, that AmerGen should not only prepare the state-of-the-art analysis of the Oyster Creek drywell prior to the period of extended operation, but that AmerGen should submit it to the NRC. The NRC should perform a thorough review to verify that the current and projected deteriorated condition of the drywell satisfies all required safety margins. The NRC must confirm the drywell meets the current licensing basis, i.e., the applicable ASME code. It would be prudent for the submittal to be made well before the current commitment deadline (April 2009) to allow for proper reviews to be completed before Oyster Creek enters the extended operating period.

The NJDEP is awaiting the outcome of this analysis. We expect more than just a summary including a description of the methodology, assumptions, models and final analysis. We expect all calculations to be released by AmerGen as non-proprietary so the public would have full access. This would also facilitate the review by the NRC. Having the analysis only

available at the Oyster Creek site would mean that NRC would have to send a team to the site, rather than having it readily available for verification by the NRC experts in Rockville.

Additionally, the NJDEP is on record with the NRC that real-time drywell thickness measurements would provide practical assurance that the drywell is not experiencing unexpected accelerated corrosion during the periods between scheduled ultrasonic thickness measurements. We understand that NRC believes that requiring real-time drywell thickness measurements is beyond your regulatory authority, but the measurements would provide public confidence that the drywell was not deteriorating between measurement events, currently planned every four years.

Sincerely yours,



Jill Lipoti, Ph.D.
Director

c: Atomic Safety and Licensing Board, US Nuclear Regulatory Agency
AmerGen Energy Company, LLC