



State of New Jersey  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JON S. CORZINE  
*Governor*

LISA P. JACKSON  
*Commissioner*

Environmental Regulation  
P.O. Box 423  
Trenton, New Jersey 08625-0423  
Phone: (609) 292-2795  
Fax: (609) 777-1330

February 7, 2008

Tim Rausch, Site Vice President  
Oyster Creek Nuclear Generating Station  
PO Box 388, US Rt. 9  
Forked River, New Jersey 08731

Dear Mr. Rausch:

As you may be aware, the New Jersey Department of Environmental Protection (NJDEP) in a letter to the U.S. Nuclear Regulatory Commission (NRC), dated October 12, 2007, requested that AmerGen, LLC, should be required by the NRC to submit a complete, detailed, state-of-the-art, 3-D (dimensional) finite element analysis, for the existing and projected condition of the Oyster Creek nuclear generating station drywell shell, to confirm that all required safety margins and current licensing bases requirements are satisfied currently and during the proposed period of extended operation.

As you may also be aware, by letter submitted under oath to the NRC, dated January 14, 2008, by AmerGen Energy Company, LLC, Vice President of License Renewal, Michael P. Gallagher, P.E., AmerGen stated

“After the 3D structural analysis is finalized, which will be prior to the period of extended operation, AmerGen will submit to the NRC Staff a summary of the 3D analysis. This will confirm AmerGen’s completion of the 3D analysis.”

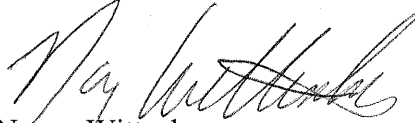
NJDEP finds this position to be inadequate on many points. First, it is not clear that this “summary” would be submitted as a non-proprietary, fully accessible to the public, document. Secondly, a “summary” document would not provide the necessary detailed information for either the NRC or NJDEP to conduct an independent evaluation of the technical merit for this new design basis analysis of the drywell. Thirdly, submittal of a “summary” document “prior to the period of extended operation” could be submitted without sufficient time to conduct an independent review of the analysis by either the NRC or NJDEP.

Consequently, NJDEP has reiterated to the NRC the request made in our October 12, 2007 letter 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...We expect more than just a summary...We expect all calculations to be released by AmerGen as non-proprietary so the public would have full access.”

I know both Exelon and the NRC share NJDEP's position that a thorough, transparent review of the technical basis justifying the current and projected condition of this critical component at Oyster Creek will serve the public's best interest by ensuring the continued safe operation of this nuclear facility. Accordingly, I am requesting that your organization revise the commitment made by Mr. Gallagher so as to implement NJDEP's requests related to this matter without the need for further NRC mandate.

Sincerely yours,



Nancy Wittenberg  
Assistant Commissioner

- c: Michael P. Gallagher, P.E., Vice President, License Renewal Projects,  
AmerGen Energy Company, LLC  
Luis A. Reyes, USNRC Executive Director for Operations  
Dr. Pao-Tsin Kuo, USNRC Director, Division of License Renewal