



SECRETARY

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

DOCKETED  
US.NRC

November 22, 1999

'99 NOV 24 A11:43

OFFICE OF THE  
GENERAL COUNSEL  
ADJUDICATION DIVISION

MEMORANDUM TO: G. Paul Bollwerk, III  
Chief Administrative Judge  
Atomic Safety and Licensing Board Panel

FROM: Annette L. Vietti-Cook, Secretary *Annette Vietti-Cook*

SUBJECT: REQUEST FOR HEARING OF THE  
NUCLEAR INFORMATION AND  
RESOURCE SERVICE

Attached is a petition for leave to intervene submitted on November 5, 1999, by the Nuclear Information and Resource Service (NIRS). The petition was filed in response to a notice issued by the NRC staff of consideration of a proposed amendment to the license of GPU Nuclear, Inc. *et al.* for the Oyster Creek Nuclear Generating Station (Docket No. 50-219). The requested amendment would allow the use of the reactor building crane to handle loads up to and including 45 tons during power operations. The notice was published in the Federal Register at 64 Fed. Reg. 54925 (October 8, 1999) (copy attached).

The request for hearing (including a supporting affidavit of William deCamp Jr., sent separately), is being referred to you for appropriate action in accordance with 10 C.F.R. § 2.772(j).

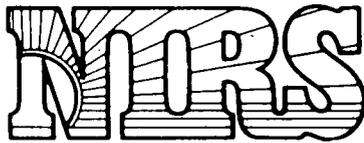
Attachments: As stated

cc: OGC  
CAA  
OPA  
EDO  
NRR  
Ernest L. Blake, Esquire  
Paul Gunter, NIRS

SECY-037

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USNRC

'99 NOV -8 P3:48

## Nuclear Information and Resource Service

1424 16th St. NW, Suite 404, Washington, DC 20036; 202-328-0002; Fax: 202-462-2183; E-mail: [nirsnet@nirs.org](mailto:nirsnet@nirs.org); Web: [www.nirs.org](http://www.nirs.org)

November 5, 1999

Ms. Annette Viette-Cook, Secretary  
Office of the Secretary  
United States Nuclear Regulatory Commission  
Washington, DC 20555  
Attention: Docketing and Service Branch

To Whom It May Concern:

Attached please find the original copy of the Nuclear Information and Resource Service Request for Hearing and Petition to Intervene in the Matter of General Public Utility Nuclear License Amendment Application proceeding for Oyster Creek nuclear generating station as noticed in the Federal Register (Volume 64, Number 195) pages 54925-54926, dated October 8, 1999.

The original notarized affidavits from the petitioner have been postmarked within the required time limit to the Nuclear Regulatory Commission by First Class Mail with cover letters identifying their affiliation with the attached petition. The copies of the petitioners affidavits and cover letters were simultaneously sent to the NRC Office of General Counsel and the law firm of Shaw, Pittman, Potts & Trowbridge to the attention of Mr. Ernest L. Blake, Esq. representing the utility.

Sincerely,

Paul Gunter, Director  
Reactor Watchdog Project

cc:

NRC Office of General Counsel  
Ernest L. Blake, Esq., Shaw, Pittman, Potts & Trowbridge

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

<u>General Public Utility Nuclear Corporation</u>	)	DOCKET 50-219
	)	Movement of Heavy
	)	Loads At Full Power
<u>Oyster Creek Nuclear Generating Station</u>	)	

**NUCLEAR INFORMATION AND RESOURCE SERVICE REQUEST FOR A  
HEARING AND PETITION TO INTERVENE IN GENERAL PUBLIC UTILITY  
NUCLEAR LICENSE AMENDMENT REQUEST FOR OYSTER CREEK  
NUCLEAR GENERATING STATION**

**I. INTRODUCTION**

Pursuant to 10 CFR 2.714, petitioner Nuclear Information and Resource Service (NIRS) hereby request a hearing and leave to intervene in the license amendment proceeding for General Public Utility Nuclear (GPUN) proposal to revise the technical specifications for Oyster Creek nuclear generating station (OCGNS) concerning the movement of heavy loads up to 45 tons during full power operation utilizing the reactor building crane.

64 Federal Register 195 (October 8, 1999)

**II. REQUEST FOR A HEARING AND PETITION FOR LEAVE TO INTERVENE**

**A. NUCLEAR INFORMATION AND RESOURCE SERVICE HAS STANDING.**

In any proceeding for the issuance or amendment of an operating license for a nuclear power station, Section 189(a) of the Atomic Energy Act guarantees as a right a hearing "to any person whose interests may be affected" by the licensing action. 42 U.S.C. 2239(a). The right to intervene under Section 189(a) is governed by "contemporaneous judicial concepts of standing," i.e., whether (1) the action being challenged could cause injury-in-fact to the petitioner, and (2) such injury is arguably within the zone of interest protected by the Atomic Energy Act or the National Environment Policy Act ("NEPA")

Vermont Yankee Nuclear Power Station (Vermont Yankee Nuclear Power Station), LBP-90-6-31 NRC 85, 89 (1990) citing Portland General Electric Co. (Pebble Springs Nuclear Power Plant, Units 1 and 2), CLI-76-27, 4 NRC 610, 613-14 (1976).

NIRS is entitled to intervene in this proceeding on behalf of its members living near the power station who would be injured by an accident cause by the inadequate or unsafe movement of heavy loads at full power operation at the Oyster Creek nuclear generating station in Toms River, New Jersey.

**1. The Petitioner Will Suffer Injury-In-Fact as a Result of the Proposed License Amendment**

The petitioner has standing to intervene on behalf of its members, who would suffer injury-in-fact by implementation of the proposed license amendment that is inadequate to protect their health and safety and the health of the environment in so much that it: 1) would increase the probability of an accident; 2) creates the possibility of an accident not previously identified in the Safety Analysis Report and; 3) constitutes a significant reduction in the margin of safety at an operating boiling water reactor.

The petitioner Nuclear Information and Resource Service (NIRS) is a non-profit tax exempt organization established in 1978 of individuals and groups concerned about our nation's energy and environmental future. A number of these groups and members of NIRS are located by work and residence within the OCNGS emergency planning zone. NIRS has focused considerable attention on OCNGS including public education events in Lacey and Berkley Township area and filings to the NRC under 10 CFR 2.206 with regards to conditions at the nuclear power station affecting public health and safety. NIRS continues to initiate and respond to media events and inquiries arising out of OCNGS operations. NIRS has provided expert witness before the New Jersey Department of Environmental Protection with regards to issues of public health and safety affected by the OCNGS emergency plan.

Additionally, NIRS was granted standing during a previously filed Petition To Intervene before the Atomic Safety and Licensing Board in the GPUN's OCNGS License Amendment process pertaining to the movement of heavy loads over irradiated fuel. 61 Federal Register 20842 (May 8, 1996)

Joyce Kuschwara and William deCamp, Jr. are NIRS members who live, recreate, and work within the close vicinity of OCNGS. As discussed in the attached affidavits of William deCamp, Jr. and Joyce Kushawara, their health and safety and quality of their environment would be adversely affected by the reduction in the margin of safety and increased risk of a heavy load drop associated with the amendment sought by OCNGS for the movement of heavy load at full power operation. The affidavits are concerned that GPUN is proposing a course of activity that is currently prohibited under the reactor's technical specifications. The affidavit(s) demonstrates the petitioner's viable concerns in as much as GPUN has stated that proposed amendment raises the risk that "the potential drop of a load up to 45 tons in magnitude in the equipment hatch, while traversing the 119' elevation of the Reactor Building or in the cask drop protection system may create the possibility of a new or different accident than previously identified."<sup>1</sup>

The petitioner states that a heavy load drop accident involving loads up to 45 tons moved during full power operation without the safety assurances of a single failure proof crane would inflict radiation exposures affecting their health and safety as a result of a heavy load drop accident directly or indirectly damaging reactor safety systems, including safe shutdown functions, and the added risk of rupturing the irradiated fuel pool storage pool liner with an associated loss of fuel pool coolant capability.

Accordingly, the petitioner has demonstrated that they would suffer a direct injury as a result of an accident involving the drop of a heavy load up to 45 tons during

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<sup>1</sup> License Amendment Request 251, "Movement of Heavy Loads up to 45 Tons With the Reactor Building Crane During Power Operations," GPUN, OCNG, Docket 50-219, April 28, 1999, page 6.

full power operation crane on systems, structures or components affecting reactor safety, including safe shutdown systems and irradiated fuel pool cooling capability.

**2. In The Alternative, The Petitioner Should Be Granted Discretionary Intervention**

Even if this tribunal finds that the Petitioner lacks standing to address safety issues involving the movement of heavy loads at full power without a single failure proof crane, the petitioner should be granted discretionary standing.

- a.) The petitioner can and will make a significant contribution to the record of this case (Citing Pebble Springs Nuclear Plants Units 1 and 2). Over the past several years, NIRS has provided extensive contributions to the public record on matters pertaining to the OCNGS potentially affecting public health and safety and environmental quality. NIRS has participated in the filing of petitions under 10 CFR 2.206 with regards to the issues including the material condition of safety-related reactor internal components, fire protection, and design deficiencies in the irradiated fuel pool cooling system.
- b.) The Commission should exercise its discretion to admit NIRS because NIRS was granted standing during a previously filed Petition To Intervene in the OCNGS License Amendment process pertaining to the movement of heavy loads over irradiated fuel. 61 Federal Register 20842 (May 8, 1996).

**3. The Petitioner's Concerns Fall Within The Zone of Interest Protected By The Atomic Energy Act and the National Environmental Protection Act.**

The petitioner's concerns, as stated in the affidavits and as set forth in this document relate to their health and safety and the preservation of environmental quality. These concerns focus on the GPUN application to conduct an activity currently prohibited that could lead to a heavy load drop directly or indirectly impact reactor safety-related equipment, including safe shutdown systems while at full power and additionally the irradiated fuel pool cooling equipment resulting

in unacceptable off-site radiation doses and consequences affecting the petitioner's health and safety and precluding them from residential, occupational, recreational and environmentally sensitive sites. Thus the petitioner falls within the "zone of interest" protected by the Atomic Energy Act and the National Environmental Policy Act.

## **B. ASPECTS OF THE PROCEEDING ON WHICH THE PETITIONER SEEKS TO INTERVENE**

10 CFR 50.91(a)(1) requires that licensees requesting an amendment provide an analysis "using the standard in 50.92" or the 3 factor test for the issuance of no significant hazards considerations. The petitioner's review of the GPUN application finds that the licensee has submitted a simple line item assertion to address the standards of 50.92 while offering insufficient analysis. The licensee's safety assessment is insufficient in presenting relevant material to the amendment request and omits information and events vital to the amendment's consideration. This issue has previously been addressed in NRC Generic Letter 86-03 "Application for License Amendments" as a basic and recurring problem.

The petitioner will contend that a heavy load drop accident involving loads up to 45 tons being moved at full power operation without the safety assurances provided by a single failure proof crane can indirectly damage safety-related relay switches located throughout the reactor building. As a result of the drop accident, the concussion of the load drop accident impacting reactor building concrete structures can initiate a "chatter" (the rapid uncontrolled opening and closing) within electrical relay switches rendering the safety-related switches and associated safety-related equipment inoperable.

The petitioner will contend that the GPUN proposed change to allow movement of a heavy load up to 45 tons without the safety assurances offered with a single failure proof crane over safe shutdown systems and the spent fuel pool and allowing

movement while the reactor is at full power is inadequate to protect public health and safety and environmental quality in so much as:

- 1) represents a significant increase in the probability of an accident;
- 2) creates the possibility of an accident not previously identified in the Safety Analysis Report and;
- 3) constitutes a significant reduction in the margin of safety at an operating boiling water reactor.

The petitioner concerns are based on the following documents:

1) The Nuclear Regulatory Commission prepared and issued NRC Bulletin-96-02 "Movement of Heavy Loads Over Spent Fuel, Over Fuel in the Reactor Core or Over Safety-Related Equipment," dated April 11, 1996, raising the concerns of unreviewed safety issues associated with specific activities conducted by the licensees moving heavy loads. Bulletin 96-02 requires licensees with plans to move heavy loads over safety-related equipment while the reactor is at power and which involve a potential load drop accident that has not previously been evaluated in the FSAR must submit a license amendment request for staff to review.

2) NRC NUREG-0612 "Control of Heavy Loads at Nuclear Power Stations" specifies in "Guidelines For Control of Heavy Loads" under Recommended Guidelines in Section IV. "Damage to equipment in redundant or dual safe shutdown paths, based on calculations assuming the accidental dropping of a postulated heavy load, will be limited so as not to result in loss of required safe shutdown functions."

NUREG-0612 defines a safe load travel path and procedures and operator training to assure to the extent practical that heavy loads are not carried over or near irradiated fuel or safe shutdown equipment. However, heavy loads may be carried over non-safety related equipment. The petitioner is additionally concerned that under the present

definition the heavy load path may include OCNGS irradiated fuel pool cooling equipment that is categorized as non-safety related equipment.

As identified in NUREG-0612 review of single failure proof cranes, OCNGS does not rely on single failure proof cranes but solely on heavy load paths.

3) General Public Utility Nuclear License Amendment Request No. 251 for Oyster Creek nuclear generating station dated April 28, 1999 requesting approval to handle loads up to and including 45 tons using the reactor building crane during power operations. License Amendment Request No. 251 states that "the proposed amendment may create the possibility of an accident different than those previously considered."

The request states that "This request does not include loads containing spent fuel assemblies" and that the specified loads will "not travel over spent fuel."

However, License Amendment Request No. 251 states "the potential drop of a load up to 45 tons in magnitude in the equipment hatch, while traversing the 119' elevation of the Reactor Building or in the cask drop protection system may create the possibility of a new or different accident than previously identified."

License Amendment Request No. 251 states "The only load, considered under this amendment, that will travel over the spent fuel pool involves a Radwaste Shipping Cask (RWSC)."

License Amendment Request No. 251 states "The probability of a load drop is dependent on the reliability of the handling system and operator training." Additionally, the amendment request that "procedural controls and training have also been upgraded."

4) NRC document dated September 24, 1999 from Mr. A Randolph Blough, Director, Division of Reactor Projects, to Mr. Michael B Roche, Vice President and Director, GPU Nuclear, Inc. references the NRC Region 1 Field Office of the NRC

Office of Investigations which determined "Specifically, a certification check off sheet for a Level 2 Station Services Helper indicated that the helper had successfully completed Reactor Building crane training during an April 2, 1998, training session, when the individual had not received training on the operation of the crane." The petitioner is concerned that this document contradicts assertions made by GPUN License Amendment No. 251 certifying upgraded building crane operator training which would improve the reliability of the reactor building crane and its handling system. [ATTACHMENT A]

5) NRC Daily Event Report, Event No. 35701, dated May 11, 1999 for Prairie Island nuclear power station Unit 1, while performing a heavy load lift over an open fueled reactor vessel, the station went outside its design basis. The upper internals, which constituted a "heavy load," were transported over the open reactor vessel which contained fuel while the containment purge system was operating. The Updated Final Safety Analysis Report (UFSAR) states that during heavy load lifts over open fueled reactor vessel, at least one isolation valve will be closed in each line penetrating the containment atmosphere to the outside. Therefore, the unit was placed Outside Design Basis by the failure of operators to adhere to the proper safety procedures. This recent heavy load movement event demonstrates how reactor operators fail to recognize operating procedures and jeopardize public safety. [ATTACHMENT B]

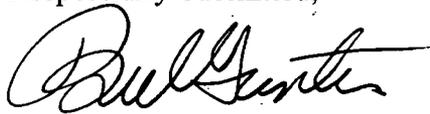
6) NRC Weekly Information Report for October 15, 1999 with regard to Comanche Peak Steam Electric Station Unit 1. NRC reported that on October 6, 1999, with the unit in a refueling outage, during a routine lift of a reactor coolant pump motor, a rigging failure resulted in the load dropping approximately 10 feet. No equipment damage occurred; one minor personnel injury occurred during the subsequent evacuation of the containment. The motor was left suspended while the licensee considered remedial action. Following a rigging change, the motor was safely landed. The Comanche Peak accidental heavy load drop documents the petitioner concerns that accidents involving rigging failure of loads have occurred within the recent experience of the nuclear industry. [ATTACHMENT C]

7) NRC Headquarters Daily Report, November 4, 1999 Nebraska Public Power District's Cooper Nuclear Power Station in Brownville, Nebraska, reports that on November 2, 1999, while operators were removing core shroud bolts from the spent fuel pool, a cable clamp on the cable supporting one of the bolts unfastened. The approximately 300 lb. bolt dropped 10 feet and hit a filter canister located on the bottom of the spent fuel pool, penetrating the canister and damaging at least one of the filters. The movement was reported to be conducted in accordance with the licensee's heavy loads procedure which contained administrative controls to prevent moving the bolts over spent fuel. This event documents petitioner's concerns that within recent history licensees conduct activities involving heavy load movement that result in an accidental drop despite administrative controls. [ATTACHMENT D]

### III. CONCLUSION

For the foregoing reasons, the Commission should admit the petitioner, NIRS, as an intervenor.

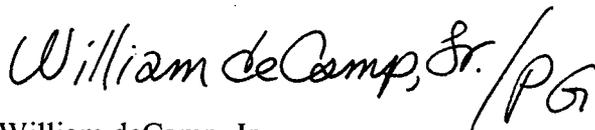
Respectfully Submitted,



Paul Gunter, Director  
Nuclear Information and Resource Service  
1424 16<sup>th</sup> Street NW Suite 404  
Washington, DC 20036  
202-328-0002



Joyce Kuschwara  
92 Troumaka Street  
Berkley Township, New Jersey



William deCamp, Jr.  
1229 Bay Avenue  
Mantoloking, NJ 08738

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD**

<u>General Public Utility Nuclear Corporation</u> )	Docket 50-219
)	Movement of Heavy Load
<u>Oyster Creek Nuclear Generating Station</u> )	At Full Power

**THE CERTIFICATE OF SERVICE**

I hereby certify that copies of the Nuclear Information and Resource Service Request for Hearing and Petition to Intervene in General Public Utility Nuclear License Amendment Request for Oyster Creek Nuclear Generating Station have been provided by Facsimile Transmission and/or by U.S. Mail, First Class on this date of November 5, 1999 to the following:

Ms. Annette Viette-Cook  
Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Ms. Ann P. Hodgdon  
Office of General Counsel  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Mr. Ernest Blake, Jr.  
Shaw, Pittman, Potts & Trowbridge  
23000 N Street NW  
Washington, DC 20555

Mr. William deCamp, Jr.  
1229 Bay Avenue  
Mantoloking, NJ 08738

Ms. Joyce Kuschwara  
92 Troumaka Street  
Berkley Township, NJ 08757

  
Paul Gunter  
dated November 5, 1999

  
William deCamp, Jr.

  
Joyce Kuschwara

**AFFIDAVIT OF JOYCE KUSCHWARA**

UNITED STATES OF AMERICA  
 NUCLEAR REGULATORY COMMISSION  
 BEFORE THE ATOMIC ENERGY SAFETY AND LICENSING BOARD

GPU Nuclear	)	Docket No. 50-219
(Oyster Creek Nuclear	)	License Amendments for
Generating Station)	)	Movement of Heavy Loads

AFFIDAVIT OF JOYCE KUSCHWARA

I, Joyce Kuschwara, being duly sworn, appear and state as follows:

- 1.) I live at 92 Troumaka Street in Berkeley Twp., New Jersey. My home is within the audible range of the Oyster Creek Nuclear Generating Station's ("OCNGS") warning sirens.
- 2.) I am a member of the Nuclear Information and Resource Service ("NIRS").
3. I am concerned about the effects of moving heavy loads while the reactor is on full power, over the fuel pool, over the containment and over other OCNGS on my health, safety and property.

In particular:

- a) I am concerned that a containment failure due to a load drop at OCNGS will have adverse effects on my health and safety, as well as that of my husband, where we live.
- b) I am concerned that the crane used to move the heavy load will not be capable of handling it, which will increase the likelihood of an accident thereby effect- the safety and health of my husband, myself and my fellow citizens.
- c) I am concerned that a load drop at OCNGS causing a failure of the fuel pool cooling system will adversely effect my health and safety, as well as that of my husband and fellow citizens, due to radiation released from the melted nuclear fuel, by contaminating places where we live.
- d) I am concerned that a load drop which releases radiation to the atmosphere as the result of damage to safe shutdown equipment could adversely impact my health and safety, as well as that of fellow citizens by contaminating land and roads on which I drive and walk.

4.) Therefore, I authorize Paul Gunter of NIRS to represent me in the above-captioned proceeding for the OCNGS.

Joyce Kuschwara  
Joyce Kuschwara

Signed and sworn to before me this 24<sup>th</sup> day of November, 1999.

Maddalena DeGus  
Notary Public

My commission expires 2,2,2004  
ROTARY PUBLIC OF NEW JERSEY  
My Commission Expires Feb. 2, 2004

**AFFIDAVIT OF WILLIAM deCAMP, JR.**

**[POSTMARKED AND SENT TO ALL PARTIES IN SEPARATE MAILING]**

**ATTACHMENT A**

NRC document dated September 24, 1999

Mr. A Randolph Blough, Director, NRC Division of Reactor Projects,  
to Mr. Michael B Roche, Vice President and Director, GPU Nuclear, Inc



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PENNSYLVANIA 19406-1415  
SEP 24 1999

RI-98-A-0168

Mr. Michael B. Roche  
Vice President and Director  
GPU Nuclear, Inc.  
Oyster Creek Nuclear Generating Station  
P.O. Box 388  
Forked River, New Jersey 08731

Dear Mr. Roche:

On September 23, 1998, the Region I Field Office of the NRC's Office of Investigations (OI) initiated an investigation to determine whether crane operator qualification/training records had been falsified at the Oyster Creek Nuclear Generating Station. Specifically, a certification check off sheet for a Level 2 Station Services Helper indicated that the helper had successfully completed Reactor Building crane training during an April 2, 1998, training session, when the individual had not received training on the operation of this crane. Based on the evidence developed during this investigation, the NRC could not substantiate any willful falsification of the questioned crane operator qualification/training certifications. The OI investigation, documented in OI Report No. 1-98-039, was completed on July 1, 1999. A copy of the synopsis of the OI report is enclosed.

Please note that final NRC documents, including the final OI report, may be made available to the public under the Freedom of Information Act (FOIA) subject to redaction of information appropriate under FOIA. Requests under the FOIA should be made in accordance with 10 CFR 9.23, Requests for Records (copy enclosed).

Should you have any questions regarding this letter, please feel free to contact Mr. Peter Eiselgroth, of my staff, at (610) 337-5234.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Randolph Blough".

A. Randolph Blough, Director  
Division of Reactor Projects

Enclosures:  
Synopsis of OI Report No. 1-98-039  
10 CFR 9.23, Requests for Records

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

## SYNOPSIS

On September 23, 1998, the Office of Investigations (OI), Region I, U.S. Nuclear Regulatory Commission, initiated this investigation to determine whether crane operator qualification/training records had been falsified at the Oyster Creek Nuclear Generating Station (OC), GPU Nuclear (GPUN), Forked River, New Jersey. Specifically, a certification check off sheet for a Level 2 Station Services Helper (SSH) indicated that the helper had successfully completed Reactor Building (RB) crane training during an April 2, 1998, training session, when the individual had not received training on this crane.

Based on the evidence developed during this investigation, OI could not substantiate any willful falsification of the questioned crane operator qualification/training certifications.

**ATTACHMENT B**

NRC Daily Event Report, Event No. 35701, dated May 11, 1999

-----+  
| Power Reactor | Event Number: 35701 |  
+-----+

-----+  
FACILITY: PRAIRIE ISLAND REGION: 3	NOTIFICATION DATE: 05/11/1999
UNIT: [1] [] [] STATE: MN	NOTIFICATION TIME: 15:20 [EDT]
RXTYPE: [1] W-2-LP, [2] W-2-LP	EVENT DATE: 05/11/1999
+-----+	EVENT TIME: 13:25 [CDT]
NRC NOTIFIED BY: ANDERSON	LAST UPDATE DATE: 05/11/1999
HQ OPS OFFICER: CHAUNCEY GOULD	
+-----+

-----+ | PERSON ORGANIZATION |  
| EMERGENCY CLASS: N/A | ROGER LANKSBURY R3 |  
| 10 CFR SECTION: |  
| AOUT 50.72 (b) (1) (ii) (B) OUTSIDE DESIGN BASIS |  
+-----+

-----+  
| UNIT | SCRAM CODE | RX CRIT | INIT PWR | INIT RX MODE | CURR PWR | CURR RX MODE |  
+-----+  
| 1 | N | N | 0 | Refueling | 0 | Refueling |  
+-----+

EVENT TEXT

-----+  
| WHILE PERFORMING A HEAVY LOAD LIFT OVER AN OPEN FUELED REACTOR VESSEL, THE  
| PLANT WENT OUTSIDE ITS DESIGN BASIS.  
  
| ON 05/12/99, THE LICENSEE DETERMINED THAT, DURING AN EVOLUTION ON 05/08/99,  
| THE UPPER INTERNALS (A "HEAVY LOAD") WAS TRANSPORTED OVER THE OPEN UNIT 1  
| REACTOR, WHICH CONTAINED FUEL, WHILE THE CONTAINMENT IN-SERVICE PURGE WAS  
| OPERATING. THE USAR STATES: "DURING HEAVY LOAD LIFTS OVER THE OPEN FUELED  
| REACTOR VESSEL, AT LEAST ONE ISOLATION VALVE WILL BE CLOSED IN EACH LINE  
| PENETRATING THE CONTAINMENT ATMOSPHERE TO THE OUTSIDE." THE UNIT WAS,  
| THEREFORE, OUTSIDE THE DESIGN BASIS SINCE NO ISOLATION VALVES FOR THE  
| IN-SERVICE PURGE PENETRATIONS WERE CLOSED DURING THIS EVOLUTION. THE HEAVY  
| LOAD MOVEMENT WAS COMPLETED WITHOUT INCIDENT. NOTE THAT THE IN-SERVICE  
| PURGE DISCHARGE IS FILTERED, AND THE AUTOMATIC ISOLATION OF THESE  
| PENETRATIONS, UPON HIGH RADIATION, WAS OPERABLE.  
  
| THE RESIDENT INSPECTOR WILL BE NOTIFIED.  
+-----+

**ATTACHMENT C**

NRC Weekly Information Report for October 15, 1999



# Weekly Information Report

For the Week Ending October 15, 1999

[ [archive](#) ]

The Weekly Information Report is compiled by the NRC Office of the Executive Director for Operations and includes highlights of Headquarters and Regional Office activities. For technical questions, please contact D. Lange, OEDO by E-mail: [djl@nrc.gov](mailto:djl@nrc.gov). For administrative questions, please contact Patricia Anderson at (301) 415-1703, or by E-mail: [paa@nrc.gov](mailto:paa@nrc.gov). If you would like to request a hard copy, you may contact the NRC Public Document Room at (202) 634-3273, or by E-mail: [pdr@nrc.gov](mailto:pdr@nrc.gov).

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- [Office of the Secretary](#)
- [Region I](#)
- [Region II](#)
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The following offices had No information for this issue:

- Executive Director for Operations
- Region IV
- Region III
- State Program
- Enforcement
- Small Business & Civil Rights
- Human Resources
- Chief Financial Officer
- General Counsel

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## Office of Nuclear Reactor Regulation

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### Comanche Peak Steam Electric Station Unit1

On October 6, 1999, with the unit in a refueling outage, during a routine lift of a reactor coolant

pump motor, a rigging failure resulted in the load dropping approximately 10 feet. No equipment damage occurred; one minor personnel injury occurred during the subsequent evacuation of the containment. The motor was left suspended while the licensee considered remedial action. Following a rigging change, the motor was safely landed. The licensee determined that the incident was not Reportable but may make a voluntary report. Region IV has determined that a Preliminary Notification is not needed.

## **Diablo Canyon 2 - Subject: Baffle Jetting**

Diablo Canyon Unit-2, while defueling for outage, 2R9 discovered three fuel assemblies with damaged fuel rods. Three rods in a corner fuel assembly and two rods in a diametrically opposite assembly showed damage due to baffle jetting. A third interior assembly showed fuel growth which broke the welded rod cap. On the first assembly, two rods had a portion of the upper part fallen off, and the third rod had the upper portion bent. On the second assembly, the upper portion had also fallen off. On both assemblies, portions of the grid strap were missing. The licensee recovered all of the rod parts and most of the grid straps. No fuel pellets fell out of their respective rods. One of the rods also had indications of rubbing up against the baffle and a portion of the cladding was worn away.

The licensee and their consultants concluded that the fuel damage was caused by the rod induced vibration due to jetting which did not directly impact the rods. The licensee is planning to insert fuel clips on the fuel assemblies in the eight corners that are similar to the two corners where the baffle jetting occurred. The clips will connect, at mid-height between the flow grids, four assemblies in both sides of the corner. This they believe will dampen the amplitude of the induced oscillation, thus, preventing further fuel damage during the next cycle. The licensee has not and is not planning a ultrasound inspection of the baffle to former bolts to assure that they have not been damaged. It should be noted that Diablo Canyon has a counter flow pattern in the bypass, thus, is Subject to large pressure differentials along the baffle plates. They are still evaluating the long term corrective action such as conversion to a co-current bypass flow.

## **Reactor Oversight Process Improvements**

The Technical Training Center (TTC) is conducting a dry-run for the Revised Reactor Oversight Process Training Program (G-200) from October 12 through 15, 1999. The purpose for the dry-run is to allow the TTC instructors, who will be teaching this course beginning in mid-November, to refine their presentation and to verify the accuracy of material. Both regional and headquarters staffs are supporting the TTC in this endeavor.

OMB approved NRC's request for a new information collection titled "Voluntary Reporting of Performance Indicators." The approval was dated October 6, 1999, and expires October 31, 2002. This will allow the NRC to begin collecting performance indicator information from all nuclear plants beginning in January 2000.

Messrs. C. Hinson and R. Pedersen of the Emergency Preparedness and Health Physics Section, IOLB/NRR, visited reactor sites the week of October 4-8, 1999, in an assessment role for the new Reactor Oversight Program. Mr. Hinson accompanied a Region II inspector to the Sequoyah plant to observe the inspection conducted under the ALARA Planning and Controls section of the Occupational Radiation Safety procedure (IP 71121). Mr. Hinson also used this visit to test the effectiveness of the ALARA SDP flowchart. Mr. Pedersen accompanied Region III inspectors to the Quad Cities plant to observe the inspection conducted under the Access Control to Radiologically Significant Areas and the Radiation Monitoring Instrumentation sections of the Occupational Radiation Safety procedure (IP 71121).

William Dean and Michael Johnson, of the Inspection Program Branch, participated in the Nuclear Energy Agency's 18<sup>th</sup> Working Group on Inspection Practices held last week in Lyon, France. During this Meeting, they presented information on the NRC's revised reactor oversight process and shared insights and information on a variety of inspection related issues.

**ATTACHMENT D**

NRC Headquarters Daily Report, November 4, 1999

NRC Headquarters Daily Report  
NOVEMBER 04, 1999

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REPORT ATTACHED	NEGATIVE INPUT RECEIVED	NO INPUT RECEIVED
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HEADQUARTERS		X
REGION I	X	
REGION II	X	
REGION III	X	
REGION IV	X	

PRIORITY ATTENTION REQUIRED MORNING REPORT - REGION IV NOV. 04, 1999

Licensee/Facility:                      Notification:

Nebraska Public Power District      MR Number: 4-99-0025  
Cooper 1                                  Date: 11/04/99  
Brownville, Nebraska                  Resident  
Inspectors  
Dockets: 50-298  
BWR/GE-4

Subject: DROPPED CORE SHROUD BOLT IN SPENT FUEL POOL

Discussion:

On November 2, 1999, while operators were removing core shroud bolts from the spent fuel pool, a cable clamp on the cable supporting one of the bolts unfastened. The approximately 300 lb. bolt dropped 10 feet and hit a "Tri-Nuke" brand filter canister located on the bottom of the spent fuel pool, penetrating the canister and damaging at least one of the filters.

Licensee personnel performing surveys and water analysis did not detect an increase in radioactivity or radiation levels. They also performed a visual inspection of the spent fuel pool liner and found it intact. Operators did not detect increased leakage from the spent fuel pool tell-tale drains. The licensee has established a team to investigate the root cause of the event and evaluate options for removing the bolt from the canister.

During the previous refueling outage, operators had suspended each of the shroud bolts from the side of the spent fuel pool by 3/8" steel cables. The event occurred as operators moved the bolts for solid radioactive waste processing. The movement was conducted in accordance with the licensee's heavy loads procedure which contained administrative controls to prevent moving the bolts over spent fuel.

Regional Action:

Cooper Nuclear Station is a Reactor Inspection Baseline Inspection Program Pilot Plant. The resident inspectors are observing licensee actions and evaluating the potential safety significance in accordance with the baseline inspection program.

Contact: Charles S. Marschall (817)860-8185  
David P. Loveless (817)860-8161

DOCKETED  
USNRC

'99 NOV 16 P12:20

OFFICE OF THE  
GENERAL COUNSEL  
ADJUTANT GENERAL

**William deCamp Jr.**  
**1229 Bay Avenue**  
**Mantoloking, 08738**

**732-830-3600**

November 8, 1999

Attention: Docketing and Service Branch  
Secretary of the Commission  
United States Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Secretary,

Attached please find the notarized affidavit as pertains to the request by the Nuclear Information and Resource Service for a hearing and leave to intervene in the license amendment proceeding, "Docket N. 50-219, License Amendments for Movement of Heavy Loads" at the Oyster Creek Nuclear Generating Station.

A copy of my notarized affidavit has has been attached to the original request and petition for leave to intervene filed in Washington D.C.

Sincerely,



William deCamp Jr.

CC: US NRC Office of General Counsel  
Ernest Blake, Esq., Shaw Pittman & Trowbridge

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE ATOMIC ENERGY SAFETY AND LICENSING BOARD

GPU Nuclear	)	Docket N. 50-219
	)	License Amendments for
<u>Oyster Creek Nuclear Generating Station</u>	)	Movement of Heavy Loads

AFFIDAVIT OF WILLIAM DECAMP, JR.

I, William deCamp, Jr., being duly sworn, appear and state as follows:

- 1) I live at 1229 Bay Avenue in Mantoloking, New Jersey. My home in Mantoloking lies within the Ingestion Pathway Zone for the Oyster Creek Nuclear Generating Station ("OCGNS").
- 2) I am a member of the Nuclear Information and Resource Service ("NIRS").
- 3) I am a founding Trustee of Oyster Creek Nuclear Watch ("OCNW"). I am also employed by Save Barnegat Bay (the Ocean County Izaak Walton League, Inc., of the Izaak Walton League of America), of which I am President.
- 4) My work for Save Barnegat Bay frequently takes me within the Emergency Planning Zone for the OCNGS. I have been active in conservation projects less than one mile from OCNGS.
- 5) I frequently recreate on Barnegat Bay within the Emergency Planning Zone for OCNGS.
- 6) I am concerned about the effects of moving heavy loads over the fuel pool, over the containment, and over other parts of OCNGS on my health, safety, and property. In particular:
  - a) I am concerned that a containment failure due to a load drop at OCNGS will have an adverse effect on my health and safety as well as that of my family, where we live and where I work.

- b) I am concerned that the crane used to move the heavy load will not be capable of handling it, which will increase the likelihood of an accident thereby effecting the safety and health of myself, my family, and my fellow citizens.
  - c) I am concerned that operator error during the moving of any heavy load over the containment, the cooling system, the fuel pool, or the fuel pool cooling system will result in an accident which will effect the safety and health of myself, my family, and my fellow citizens.
  - d) I am concerned that a load drop at OCNGS causing a failure of the fuel pool cooling system will adversely effect my health and safety, as well as that of my family and fellow citizens, due to radiation released from melted nuclear fuel, by contaminating places where we drive, walk, work, and recreate.
  - e) I am concerned that a load drop which releases radiation to the atmosphere as the result of damage to safe shutdown equipment will adversely impact my health and safety as well as that of my family and fellow citizens by contaminating places where we drive, walk, work, and recreate.
- 4) Therefore, I authorize Paul Gunter of NIRS to represent me in the above-captioned proceeding concerning the OCNGS.

William De Long *f*

Signed and sworn to before me this 8 day of November, 1999.

Michelle Dorato

Notary Public

years of operating experience of McGuire Unit 1, in conjunction with the substantial number of years of operation of the other three units, should be sufficient to identify any aging concerns applicable to the four units.

Therefore, sufficient combined operating experience should exist at the earliest possible date for submittal to satisfy the intent of Section 54.17(c), and application of the regulation in this case is not necessary to achieve the underlying purpose of the rule. The staff finds that Duke's request meets the requirement in Section 50.12(a)(2) that special circumstances exist to grant the exemption.

#### IV

Accordingly, the Commission has determined that special circumstances are present as defined in 10 CFR 50.12(a)(2)(ii). As stated in Section III above, the staff finds that the combined operating experience of the four McGuire and Catawba units would satisfy the intent of Section 54.17 at the earliest possible date for submittal of concurrent applications (June 13, 2001), and application of the regulation in this case is not necessary to achieve the underlying purpose of the rule. The Commission hereby grants the licensee an exemption from the requirement of 10 CFR 54.17(c). Specifically, this exemption removes the scheduler requirement which prohibits the licensee from applying to the Commission for a renewed license earlier than 20 years (but no earlier than June 13, 2001), before the expiration of the Catawba, Units 1 and 2 and McGuire, Unit 2, operating licenses currently in effect.

Pursuant to 10 CFR 51.32, the Commission has determined that granting of this exemption will have no significant effect on the quality of the human environment (64 FR 52802 and 64 FR 52803).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 1st day of October 1999.

For the Nuclear Regulatory Commission.

**John A. Zwolinski,**

*Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

[FR Doc. 99-26301 Filed 10-7-99; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-219]

### Oyster Creek Nuclear Generating Station; Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-16, issued to GPU Nuclear, Inc. *et al.*, (the licensee), for operation of the Oyster Creek Nuclear Generating Station located in Ocean County, New Jersey.

The proposed amendment requests approval to handle loads up to and including 45 tons using the reactor building crane during power operations. NRC Bulletin 96-02 indicates that plants which will perform "activities involving the handling of heavy loads over spent fuel, fuel in the reactor core, or safety-related equipment while the reactor is at power \* \* \* and that involve a potential load drop accident that has not previously been evaluated in the FSAR," submit a license amendment request for NRC staff review.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By November 8, 1999, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Ocean County Library, Reference Department, 110 Washington Street, Toms River, NJ 08753. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the

request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one

contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to Ernest L. Blake, Jr., Esquire, Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated April 28, 1999, as supplemented by letters dated August 30, 1999, and September 3, 1999, which are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Ernest L. Blake, Jr., Esquire, Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037.

Dated at Rockville, Maryland, this 4th day of October 1999.

For the Nuclear Regulatory Commission,  
Helen N. Pastis,  
Senior, Project Manager, Section 1, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99-26302 10-7-99; 8:45 am]

BILLING CODE 7590-01-P

## OFFICE OF MANAGEMENT AND BUDGET

### OMB Circular A-110, "Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations"

**AGENCY:** Office of Management and Budget, Executive Office of the President

**ACTION:** Final Revision

**SUMMARY:** This notice finalizes the revision to OMB Circular A-110, required by a provision of OMB's appropriation for fiscal year (FY) 1999, contained in Public Law 105-277. The provision directs OMB to amend Section 36, Intangible property, of the Circular "to require Federal awarding agencies to ensure that all data produced under an award will be made available to the public through the procedures established under the Freedom of Information Act" (FOIA). Pursuant to the direction of the provision contained in Public Law 105-277, OMB published a Notice of Proposed Revision on February 4, 1999 (64 FR 5684), and a request for comments on clarifying changes to the proposed revision on August 11, 1999 (64 FR 43786). We received over 9,000 comments on the proposed revision and over 3,000 comments on the clarifying changes.

After a review of the comments on the clarifying changes, as well as the comments on the proposed revision, OMB is issuing this final revision to the Circular, as required by the provision contained in Public Law 105-277.

**DATES:** The revised Circular is effective November 8, 1999.

**ADDRESSES:** You may obtain the full text of the Circular, the text of this notice, and the text of the February 4th and August 11th notices on OMB's home page (<http://www.whitehouse.gov/OMB>), under the heading "Grants Management." You may obtain copies of Public Law 105-277 on the Library of Congress's home page (<http://thomas.loc.gov>).

**FOR FURTHER INFORMATION CONTACT:** F. James Charney, Policy Analyst, Office of

Management and Budget, at (202) 395-3993. Please direct press inquiries to OMB's Communications Office, at (202) 395-7254.

## SUPPLEMENTARY INFORMATION:

### I. Background

#### A. The Statutory Direction to Amend Circular A-110

Congress included a two-sentence provision in OMB's appropriation for FY 1999, contained in Public Law 105-277, directing OMB to amend Section 36 of the Circular "to require Federal awarding agencies to ensure that all data produced under an award will be made available to the public through the procedures established under the Freedom of Information Act." The provision also provides for a reasonable fee to cover the costs incurred in responding to a request. The Circular applies to grants and other financial assistance provided to institutions of higher education, hospitals, and non-profit institutions, from all Federal agencies.

In directing OMB to revise the Circular, Congress entrusted OMB with the authority to resolve statutory ambiguities, the obligation to address implementation issues the statute did not address, and the discretion to balance the need for public access to research data with protections of the research process. In developing this revision to the Circular, OMB seeks to implement the statutory language fairly, in the context of its legislative history. This requires a balanced approach that (1) furthers the interest of the public in obtaining the information needed to validate Federally-funded research findings, (2) ensures that research can continue to be conducted in accordance with the traditional scientific process, and (3) implements a public access process that will be workable in practice.

OMB recognizes the importance of ensuring that the revised Circular does not interfere with the traditional scientific process. Science and technology are the principal agents of change and progress, with over half of the Nation's labor productivity growth in the last 50 years attributable to technological innovation and the science that supports it. Although the private sector makes many investments in technology development, the Federal Government has an important role to play—particularly when risks appear too great or the return to companies too speculative. Its support of cutting-edge science contributes to new knowledge and greater understanding, ranging from the edge of the universe to the smallest

DOCKETED  
US:IRC

92 Troumaka Street  
Toms River, N.J. 08757  
November 3, 1999

'99 NOV -9 A11:37

OFFICE OF THE  
REGULATORY  
ADMINISTRATOR

Attention: Docketing and Service Branch  
Secretary of the Commission  
United States Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Secretary,

Attached please find the notarized affidavit as pertains to the November 5, 1999 request by Nuclear Information and Resource Service for a hearing and leave to intervene in the license amendment proceeding for GPU Nuclear License Amendment No. 251 Request for Oyster Creek Nuclear Generating Station (Docket 50-219) as noticed in the Federal Register (Volume 64, Number 195) pages 54925-54926, dated October 8, 1999.

A copy of my notarized affidavit has been attached to the original request and petition for leave to intervene filed in Washington, D.C.

Sincerely,



Joyce Kuschwara

cc: Paul Gunter, NIRS  
US NRC Office of General Counsel  
Ernest Blake, Jr., Esq., Shaw, Pittman, Potts and  
Trowbridge

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE ATOMIC ENERGY SAFETY AND LICENSING BOARD

<u>GPU Nuclear</u>	)	Docket No. 50-219
	)	License Amendments for
(Oyster Creek Nuclear	)	Movement of Heavy Loads
<u>Generating Station)</u>	)	

AFFIDAVIT OF JOYCE KUSCHWARA

I, Joyce Kuschwara, being duly sworn, appear and state as follows:

- 1.) I live at 92 Troumaka Street in Berkeley Twp., New Jersey. My home is within the audible range of the Oyster Creek Nuclear Generating Station's ("OCNGS") warning sirens.
- 2.) I am a member of the Nuclear Information and Resource Service ("NIRS").
3. I am concerned about the effects of moving heavy loads while the reactor is on full power, over the fuel pool, over the containment and over other OCNGS on my health, safety and property.

In particular:

- a) I am concerned that a containment failure due to a load drop at OCNGS will have adverse effects on my health and safety, as well as that of my husband, where we live.
- b) I am concerned that the crane used to move the heavy load will not be capable of handling it, which will increase the likelihood of an accident thereby effect- the safety and health of my husband, myself and my fellow citizens.
- c) I am concerned that a load drop at OCNGS causing a failure of the fuel pool cooling system will adversely effect my health and safety, as well as that of my husband and fellow citizens, due to radiation released from the melted nuclear fuel, by contaminating places where we live.
- d) I am concerned that a load drop which releases radiation to the atmosphere as the result of damage to safe shutdown equipment could adversely impact my health and safety, as well as that of fellow citizens by contaminating land and roads on which I drive and walk.

4.) Therefore, I authorize Paul Gunter of NIRS to represent me in the above-captioned proceeding for the OCNGS.

Joyce Kuschwara  
Joyce Kuschwara

Signed and sworn to before me this 24<sup>th</sup> day of November, 1999.

Maddalena Infuso  
Notary Public

My commission expires 2,2,2004  
MADDALENA INFUSO  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires Feb. 2, 2004