



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

June 16, 1997

Ms. Lynn Worrall, Acting Chairman  
Berkeley Township Environmental Commission  
Pinewald-Keswick Road  
P.O. Box B  
Bayville, New Jersey 08721

50-219

Dear Ms. Worrall:

This letter responds to the Petition you filed pursuant to Section 2.206 of Title 10 of the Code of Federal Regulations (10 CFR 2.206) dated April 1, 1997, on behalf of Berkeley Township. In your Petition, you requested that the U.S. Nuclear Regulatory Commission (NRC) direct GPU Nuclear (GPU) to shut down its reactor at the Oyster Creek Nuclear Generating Station (OCNGS) during the facility's transfer of fuel from wet to dry storage.

As the bases for your request, you assert that (1) the load transfer path for the 100-ton fuel transfer casks passes over the reactor's containment mechanism and other safety-related equipment; (2) NRC Bulletin 96-02, dated April 11, 1996, states that a dropped cask could damage the isolation condensers and the torus, creating the possibility of an unisolable leak, which in industry jargon describes a situation perilously close to a nuclear meltdown; (3) the operating record of GPU demonstrates it is capable of human error, including dropping heavy loads; (4) Berkeley Township could not be successfully evacuated in the event of a serious nuclear accident at OCNGS; and (5) the safer, simpler alternative of turning off the reactor while lifting 100-ton loads over the containment can be easily implemented.

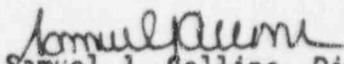
The staff has completed its review of your Petition, and for the reasons described in the enclosed Director's Decision your petition is dismissed as premature. A copy of the decision will be filed with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206(c). As provided by that regulation, the decision will constitute the final action of the Commission 25 days after the date of issuance of the decision unless the Commission, on its own motion, institutes a review of the decision within that time. The decision and the documents cited in the decision are available for public inspection and copying 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 Ocean County Library, Reference Department, 101 Washington Street, Toms River, New Jersey.

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I have also enclosed a copy of the notice of "Issuance of Director's Decision Under 10 CFR 2.206," which includes the complete text of DD-97-14 that is being filed with the Office of the Federal Register for publication.

Sincerely,

  
Samuel J. Collins, Director  
Office of Nuclear Reactor Regulation

Enclosures: 1. Director's Decision (DD-97-14)  
2. Federal Register notice

I have also enclosed a copy of the notice of "Issuance of Director's Decision Under 10 CFR 2.206," which includes the complete text of DD-97-14 that is being filed with the Office of the Federal Register for publication.

Sincerely,  
Original signed by

Samuel J. Collins, Director  
Office of Nuclear Reactor Regulation

- Enclosures: 1. Director's Decision (DD-97-14)
- 2. Federal Register Notice

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GPU Nuclear Corporation  
Oyster Creek Nuclear Generating Station

cc:  
Ernest L. Blake, Jr., Esquire  
Shaw, Pittman, Potts & Trowbridge  
2300 N Street, NW  
Washington, DC 20037

Regional Administrator, Region I  
U.S. Nuclear Regulatory Commission  
475 Allendale Road  
King of Prussia, PA 19406-1415

BWR Licensing Manager  
GPU Nuclear Corporation  
1 Upper Pond Road  
Parsippany, NJ 07054

Mayor  
Lacey Township  
818 West Lacey Road  
Forked River, NJ 08731

Licensing Manager  
Oyster Creek Nuclear Generating Station  
Mail Stop: Site Emergency Bldg.  
P.O. Box 388  
Forked River, NJ 08731

Resident Inspector  
c/o U.S. Nuclear Regulatory Commission  
P.O. Box 445  
Forked River, NJ 08731

Kent Tosch, Chief  
New Jersey Department of  
Environmental Protection  
Bureau of Nuclear Engineering  
CN 415  
Trenton, NJ 08625

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

June 16, 1997

MEMORANDUM TO: Rules Review and Directives Branch  
 Division of Freedom of Information and Publications Services  
 Office of Administration

FROM: Office of Nuclear Reactor Regulation

SUBJECT: DIRECTOR'S DECISION

One signed original of the *Federal Register* Notice identified below is attached for your transmittal to the Office of the Federal Register for publication. Additional conformed copies ( 5 ) of the Notice are enclosed for your use.

- Notice of Receipt of Application for Construction Permit(s) and Operating License(s).
- Notice of Receipt of Partial Application for Construction Permit(s) and Facility License(s): Time for submission of Views on Antitrust matters.
- Notice of Consideration of Issuance of Amendment to Facility Operating License. (Call with 30-day insert date).
- Notice of Receipt of Application for Facility License(s); Notice of Availability of Applicant's Environmental Report; and Notice of Consideration of Issuance of Facility License(s) and Notice of Opportunity for Hearing.
- Notice of Availability of NRC Draft/Final Environmental Statement.
- Notice of Limited Work Authorization.
- Notice of Availability of Safety Evaluation Report.
- Notice of Issuance of Construction Permit(s).
- Notice of Issuance of Facility Operating License(s) or Amendment(s).
- Order.
- Exemption.
- Notice of Granting Exemption.
- Environmental Assessment.
- Notice of Preparation of Environmental Assessment.
- Receipt of Petition for Director's Decision Under 10 CFR 2.206.
- Issuance of Final Director's Decision Under 10 CFR 2.206.
- Other: \_\_\_\_\_

DOCKET NO. 50-219  
 Attachment(s): As stated  
 Contact: D. Willis  
 Telephone: 415-2040

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