

UNITED STATES OF AMERICA  
 NUCLEAR REGULATORY COMMISSION  
 OFFICE OF NUCLEAR REACTOR REGULATION

Samuel J. Collins, Director

In the Matter of	)	
	)	
GPU NUCLEAR CORPORATION	)	Docket No. 50-219
	)	
(Oyster Creek Nuclear Generating Station)	)	(10 CFR 2.206)

DIRECTOR'S DECISION UNDER 10 CFR 2.206

I. INTRODUCTION

By a Petition submitted pursuant to 10 CFR 2.206 and dated April 1, 1997 (Petition), Berkeley Township Environmental Commission (Petitioners) requested that the U.S. Nuclear Regulatory Commission (NRC) take action with regard to Oyster Creek Nuclear Generating Station (OCNGS) operated by GPU Nuclear Corporation (GPU or licensee). The Petitioners requested that the NRC direct the licensee to shut down OCNGS during an upcoming planned transfer of fuel from wet to dry storage.

The Petitioners based their request on the following assertions: (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 both 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.

For the reasons stated below, I have dismissed the Petitioners' request as premature.

## II. DISCUSSION

The Petitioners have requested that the NRC take action against the licensee on a matter involving the potential transfer of spent fuel during plant operation. However, this is an activity for which the licensee has not yet requested authorization from the Commission. At a public meeting on February 29, 1996, the NRC informed GPU that it would have to obtain a license amendment to move fuel from wet to dry storage, using the facility's existing crane, while the reactor is operating at power. The staff had reviewed the licensee's safety evaluation of its crane, including the crane upgrades, and concluded that all safety concerns had been addressed and resolved and that the planned movement of spent fuel to the dry storage facility during plant operation would be safe and in accordance with all license requirements. However, the NRC also determined that because the possibility of an unreviewed safety question existed before GPU made modifications to upgrade its reactor building crane, GPU would have to submit a request for a license amendment for the proposed cask movement. If GPU submits such an amendment request to the NRC, pursuant to 10 CFR 50.91<sup>1</sup>, it will be published in the FEDERAL REGISTER

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<sup>1</sup> 10 CFR 50.91 specifies the Commission procedures to be followed when it receives an application requesting an amendment to an operating license, including procedures for consulting the State in which the facility is located and procedures for notifying the public of the license amendment and the opportunity for a hearing.

for public comment, and an opportunity for a public hearing will be provided. The Petitioners and other interested members of the public then would have the opportunity to express their concerns about the amendment. As noted above, the licensee cannot transfer the fuel while operating with its current crane configuration without being issued a license amendment.<sup>2</sup>

### III. CONCLUSION

The NRC staff has reviewed the Petitioners' request that GPU shut down its reactor during its transfer of fuel from wet to dry storage. The licensee does not now have a request before the Commission to amend its license to allow such a transfer. As a result, before any Commission action could even be contemplated, the licensee would have to make such a request pursuant to NRC regulations, with the aforementioned opportunities for public participation in the resolution of any such request. For this reason, the Petition is dismissed as premature.

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<sup>2</sup>The licensee is currently considering various options for moving the spent fuel from wet to dry storage, such as requesting a license amendment based on already completed upgrades to the reactor building crane, transferring the spent fuel when the reactor is shut down, and further upgrading the reactor building crane to meet the criteria for a single-failure-proof crane in which case an amendment to transfer fuel from wet to dry storage may not be required. The Commission has not required license amendments for facilities handling heavy loads that employ a crane meeting the specifications and design criteria in NUREG-0554, "Single-Failure-Proof Cranes for Nuclear Power Plants." However, NRC technical staff will evaluate any option selected to ensure that all safety concerns are adequately addressed and documented.

A copy of this Director's Decision will be filed with the Secretary of the Commission for the Commission to review as stated in 10 CFR 2.206(c). This decision will become the final action of the Commission 25 days after issuance, unless the Commission, on its own motion, institutes a review of the Decision within that time.

FOR THE NUCLEAR REGULATORY COMMISSION

Original signed by

Samuel J. Collins, Director  
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland  
this 16th day of June 1997

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