



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

July 30, 1997

50-219

The Honorable Robert G. Torricelli
United States Senate
Washington, DC 20510

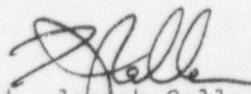
Dear Senator Torricelli:

I am responding to your letter to Chairman Jackson dated June 13, 1997, regarding the "Resolution of the Berkeley Township Environmental Commission." Please find enclosed our reply to Ms. Worrall, Acting Chairman, Environmental Commission, which contains a Director's Decision pursuant to 10 CFR 2.206. As described in our response to Ms. Worrall, the Commission has 25 days after issuance of the Director's Decision to initiate a review. The Commission did not initiate such a review; therefore, the decision constitutes the final action of the Commission in this matter.

The decision dismissed as premature the requested action of the resolution, namely, that the plant be shut down whenever fuel is transported from wet to dry storage, in that it is one of the options being considered by the licensee. As noted in the enclosed Director's Decision, should the licensee choose the option of moving fuel from wet to dry storage while the reactor is operating, the licensee would be required to seek NRC staff approval. In order to receive approval the licensee must request a license amendment, which would be published in the *Federal Register* for public comment and, as provided by Section 189 of the Atomic Energy Act, an opportunity for a public hearing would be offered. An additional option being considered by the licensee is the upgrading of the reactor building crane to meet the criteria for a single-failure-proof crane. 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."

The U.S. Nuclear Regulatory Commission does not have any related requests or action(s) under consideration to move fuel while the plant is operating. I trust this response and the Director's Decision is responsive to your constituents' concern.

Sincerely,


L. Joseph Callan
Executive Director
for Operations

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Enclosure: As stated

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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

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.

Enclosure

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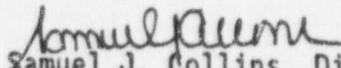
Ms. Lynn Worrall

- 2 -

June 16, 1997

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

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 50.91¹, it will be published in the FEDERAL REGISTER

¹ 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.²

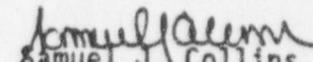
III. CONCLUSION

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.

²The 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


Samuel J. Collins, Director
Office of Nuclear Reactor Regulation

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

UNITED STATES NUCLEAR REGULATORY COMMISSIONDOCKET NO. 50-219GPU NUCLEAR CORPORATIONOYSTER CREEK NUCLEAR GENERATING STATIONISSUANCE OF DIRECTOR'S DECISION UNDER 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission (NRC), has dismissed as premature a Petition dated April 1, 1997, submitted as a resolution passed by Berkeley Township Environmental Commission (Petitioners) opposing an upcoming planned transfer of spent nuclear fuel from wet to dry storage during operation of Oyster Creek Nuclear Generating Station (OCNGS). Petitioners requested that NRC direct GPU Nuclear (GPU) to shut down the nuclear reactor at OCNGS during the aforementioned fuel transfer.

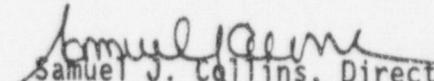
Specifically, the Petitioners asserted that (1) the load transfer path for the 100-ton fuel transfer casks passes over the reactor's containment mechanism and other safety-related equipment; (2) NRC Bulletin 96-02, dated April 11, 1996, states that a dropped cask could damage the isolation condensers 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 Director of the Office of Nuclear Reactor Regulation has determined that the request should be dismissed as premature for the reasons stated in the "Director's Decision Under 10 CFR 2.206 (DD-97-14), the complete text of which follows this notice. The decision and the documents cited in the decision are available for public inspection and copying at the Commission's Public Document Room at 2120 L Street, N.W., Washington, D.C., and at the local public document room located at Ocean County Library, Reference Department, 101 Washington Street, Toms River, New Jersey.

A copy of this Director's 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 its issuance, unless the Commission, on its own motion, institutes a review of the decision within that time.

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

FOR THE NUCLEAR REGULATORY COMMISSION


Samuel J. Collins, Director
Office of Nuclear Reactor Regulation

Attachment: DD-97-14

The Honorable Robert G. Torricelli
 United States Senate
 Washington, DC 20510

Dear Senator Torricelli:

I am responding to your letter to Chairman Jackson dated June 13, 1997, regarding the "Resolution of the Berkeley Township Environmental Commission." Please find enclosed our reply to Ms. Worrall, Acting Chairman, Environmental Commission, which contains a Director's Decision pursuant to 10 CFR 2.206. As described in our response to Ms. Worrall, the Commission has 25 days after issuance of the Director's Decision to initiate a review. The Commission did not initiate such a review; therefore, the decision constitutes the final action of the Commission in this matter.

The decision dismissed as premature the requested action of the resolution, namely, that the plant be shut down whenever fuel is transported from wet to dry storage, in that it is one of the options being considered by the licensee. As noted in the enclosed Director's Decision, should the licensee choose the option of moving fuel from wet to dry storage while the reactor is operating, the licensee would be required to seek NRC staff approval. In order to receive approval the licensee must request a license amendment, which would be published in the *Federal Register* for public comment and, as provided by Section 189 of the Atomic Energy Act, an opportunity for a public hearing would be offered. An additional option being considered by the licensee is the upgrading of the reactor building crane to meet the criteria for a single-failure-proof crane. 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."

The U.S. Nuclear Regulatory Commission does not have any related requests or action(s) under consideration to move fuel while the plant is operating. I trust this response and the Director's Decision is responsive to your constituents' concern.

Sincerely,
Original Signed by
L. J. Callan

L. Joseph Callan
 Executive Director
 for Operations

Enclosure: As stated

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see comment on the when the response get.

The Honorable G. Torricelli
 Unites States Senate
 Washington, DC 20510

Dear Senator Torricelli:

I am responding to your letter to Chairman Jackson dated June 13, 1997, regarding the "Resolution of the Berkeley Township Environmental Commission." Please find enclosed our reply to Ms. Worrall, Acting Chairman, Environmental Commission, as a Director's Decision pursuant to 10 CFR 2.206.

The decision dismissed as premature the requested action of the resolution, namely, that the plant be shut down whenever fuel is transported from wet to dry storage, in that it is one of the options being considered by the licensee and the U.S. Nuclear Regulatory Commission does not have any related requests or action(s) under consideration to move fuel while the plant is operating.

Sincerely,

L. Joseph Callan
 Executive Director
 for Operations

Enclosure: As stated

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