

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

<u>GPU Nuclear</u>)	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 Cuy 

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.

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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]

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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 3.6, 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 3.6 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