

April 13, 2000

Ms. Joyce Kuschwara
Mr. Steven Kuschwara
92 Troumaka Street
Toms River, NJ 08757

Dear Ms. Kuschwara and Mr. Kuschwara:

I am responding to your letter of February 12, 2000, to Chairman Meserve which has been forwarded to me for response. In your letter, you voice a concern about Oyster Creek Nuclear Generating Station (Oyster Creek) "because GPU is planning to sell this aging plant to AmerGen. This plant has numerous safety concerns and should be shut down before a nuclear accident occurs."

Oyster Creek, along with all other nuclear power plants licensed to operate by the U.S. Nuclear Regulatory Commission (NRC), received extensive review and evaluation prior to the decision to grant an operating license, which includes the required Technical Specifications. This evaluation was conducted against the NRC's rules which address concerns such as those you raise along with many others. Once the license is issued, the licensee is bound to adhere to it and all rules, regulations and requirements of the NRC. This adherence includes ensuring complete conformance with the operating parameters as defined by the Technical Specifications. Operability of all safety significant plant equipment is of high importance. Continued safe operation is mandated by Federal law and, should violations occur, the NRC takes appropriate sanctions.

To ensure its safety significant equipment is operable, Oyster Creek conducts periodic surveillances and tests of safety significant equipment and follows a program of regular maintenance. In addition, Oyster Creek monitors the aging of the plant through special inspection and testing programs. This practice is common to other nuclear power plants in the country.

In addition to the licensees' programs, the NRC has regulatory oversight over these nuclear power plants. The NRC usually has two full-time resident inspectors at each nuclear power plant. Our regional offices may supplement the inspections by the resident inspectors through other special inspections. Therefore, at Oyster Creek, as in other nuclear power plants, the licensee has programs to maintain the safe operation of the plant, and the NRC has regulatory oversight to ensure continued safe operation.

You also mention in your letter that you support the Nuclear Information and Resource Service (NIRS) petition to intervene in the Oyster Creek license transfer and the proposed sale of Oyster Creek from GPU Nuclear, Inc. to AmerGen. The NRC has received NIRS' January 5, 2000, petition which is currently with the Commission for consideration. The NRC will follow the applicable regulation, Subpart M, 10 CFR 2.1316, in processing the request for a hearing on the proposed license transfer application. The regulations do allow the NRC staff to proceed in its evaluation parallel to the Commission's consideration of a request for a hearing. The NRC

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staff is evaluating the license transfer application to determine if AmerGen is qualified to be the holder of the license, and if the application is consistent with applicable laws, orders and regulations.

We appreciate you bringing your concerns to the attention of the NRC. The NRC will continue to monitor the performance of Oyster Creek to ensure that public health and safety are adequately protected.

Sincerely,

/RA/

Elinor G. Adensam, Director
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

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