

U.S. NUCLEAR REGULATORY COMMISSION  
GPU NUCLEAR CORPORATION  
OYSTER CREEK NUCLEAR GENERATING STATION  
DOCKET NO. 50-219

ISSUANCE OF DIRECTOR'S DECISION UNDER 10 CFR 2.206

Notice is hereby given that by letters dated May 11 and June 14, 1996, Mr. deCamp, on behalf of Oyster Creek Nuclear Watch (Petitioner), requested NRC, pursuant to 10 CFR 2.206, to investigate and correct a highly inaccurate public statement in the "Neighborhood Update" (the licensee's news magazine) and apparently false public testimony given by GPU management at a local zoning board hearing and to take appropriate disciplinary action in the matter. Specifically, Petitioner's concerns relate to (1) the statement that GPU and the Commission agree that a license amendment request that involves the movement of spent fuel from the Oyster Creek Nuclear Generating Station spent fuel pool to the storage facility while the plant is at power "is not a safety issue but a procedural one" and (2) whether there is some special factor at Oyster Creek that would indeed justify Mr. Barton's sworn statement that it is unsafe to operate the Oyster Creek reactor without full core offload capacity. If no special situation is found that prevents Oyster Creek from operating without full offload capacity, Petitioner requests that the Commission take appropriate disciplinary action against GPU Nuclear management for making a false statement under oath.

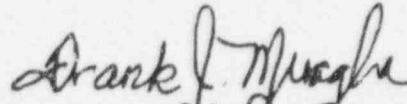
As a basis for the request regarding the first concern that the statement in the "Neighborhood Update" is untrue, Petitioner referenced the following excerpts from NRC Bulletin 96-02 (NRCB 96-02) of April 11, 1996:

The NRC staff audited both the initial and updated 10 CFR 50.59 evaluations performed by the licensee [GPU Nuclear] and determined that the proposed cask movement activities represent an unreviewed safety question that should be submitted to the NRC for review and approval pursuant to the requirements of 10 CFR 50.59 and 50.90....Accordingly, as defined in 10 CFR 50.59(c), if an activity is found to involve an unreviewed safety question, an application for a license amendment must be filed with the Commission pursuant to 10 CFR 50.90.

As a basis for the Petitioner's other concerns, the Petitioner sets forth the relevant excerpts from Mr. Barton's testimony of March 7, 1994, and states that "the NRC ruled in February 1985 in 10 CFR Part 53 that reactors may safely be run without full core offload capacity."

Notice is hereby given that by a Director's Decision (DD 96-22) dated December 11, 1996, the Acting Director, Office of Nuclear Reactor Regulation, has denied the Petitions. The staff concluded that the issues raised by the Petitioner are without merit and that there is no basis to take disciplinary action against GPU, as explained in the "Director's Decision Pursuant to 10 CFR 2.206" (DD 96-22), the complete text of which follows this notice and is available for inspection at the Commission's Public Document Room at 2120 L Street, NW, Washington DC, and at the local public document room located at Ocean County Library, Reference Department, 101 Washington Street, Tom's River, NJ.

FOR THE NUCLEAR REGULATORY COMMISSION



Frank J. M. Maglia, Acting Director  
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,  
this 11th day of December 1996.

Attachment: DD-96-22

U.S. NUCLEAR REGULATORY COMMISSIONGPU NUCLEAR CORPORATIONOYSTER CREEK NUCLEAR GENERATING STATIONDOCKET NO. 50-219ISSUANCE OF DIRECTOR'S DECISION UNDER 10 CFR 2.206

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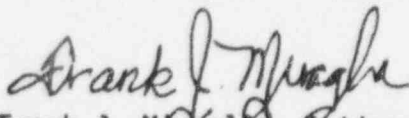
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FOR THE NUCLEAR REGULATORY COMMISSION

  
Frank J. Miraglia, Acting Director  
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,  
this 11th day of December 1996.

Attachment: DD-96-22

Rec'd DRPE  
6/17

en

**ACTION**

EDO Principal Correspondence Control

FROM:

DUE: ~~08/26/96~~

7/08/96

EDO CONTROL: GT96345  
DOC DT: 05/11/96  
FINAL REPLY:

William deCamp, Jr.  
Oyster Creek Nuclear Watch

TO:

Chairman Jackson

FOR SIGNATURE OF :

\*\* GRN \*\*

CRC NO: 96-0523

DESC:

2.206 - REQUEST THE NRC INVESTIGATE AND CORRECT  
PUBLIC STATEMENT BY GPU NUCLEAR RE THE CURRENT  
LICENSE AMENDMENT APPLICATION FOR THE OYSTER CREEK  
NUCLEAR GENERATING STATION

ROUTING:

Taylor  
Milhoen  
Thompson  
Blaha  
TTMartin, RI  
Russell, NRR  
Lieberman, OE

DATE: ~~05/17/96~~ 06/05/96

ASSIGNED TO:

CONTACT:

OGC

Cyr

SPECIAL INSTRUCTIONS OR REMARKS:

NRR RECEIVED:  
NRR ACTION:

JUNE 14, 1996  
DRPE:VARGA

NRR ROUTING:

RUSSELL  
MIRAGLIA  
THADANI  
ZIMMERMAN  
GRIMES  
BOHRER

**ACTION**

DUE TO NRR DIRECTOR'S OFFICE

BY July 2, '96

OGC-96- 002436

OFFICE OF THE SECRETARY  
CORRESPONDENCE CONTROL TICKET

PAPER NUMBER: CRC-96-0523 LOGGING DATE: May 16 96  
ACTION OFFICE: EDO  
AUTHOR: WILLIAM DECAMP  
AFFILIATION: NEW JERSEY  
ADDRESSEE: CHAIRMNA JACKSON  
LETTER DATE: May 11 96 FILE CODE: IDR-5 OYSTER CREEK  
SUBJECT: REQ THE COMM TO INVESTIGATE AND CORRECT INACCURATE  
PUBLIC STATEMENT PRINTED BY GPU RE THE LICENSE AMDT  
APPL FOR THE OYSTER CREEK NUCLEAR GENERATING  
STATION  
ACTION: ~~Direct Reply~~ *Appropriate*  
DISTRIBUTION: CHAIRMAN, COMRS  
SPECIAL HANDLING: SECY TO ACK  
CONSTITUENT:  
NOTES: OCM #2901--CHAIRMAN SHOULD SEE RESPONSE PRIOR TO  
DISPATCH  
DATE DUE: Jun 3 96  
SIGNATURE: DATE SIGNED:  
AFFILIATION:

EDO -- GT96345