



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

June 12, 1996

OFFICE OF THE
GENERAL COUNSEL

MEMORANDUM TO: William T. Russell, Director
Office of Nuclear Reactor Regulation

FROM: Jack R. Goldberg
Deputy Assistant General Counsel
for Enforcement

SUBJECT: § 2.206 PETITION OF OYSTER CREEK NUCLEAR WATCH REGARDING THE
OYSTER CREEK NUCLEAR GENERATING STATION

Attached is a copy of a letter dated May 11, 1996, submitted by William de Camp, Jr., on behalf of Oyster Creek Nuclear Watch requesting that the Nuclear Regulatory Commission (Commission) "investigate and correct a highly inaccurate public statement" that appeared in the GPU Nuclear April 1996, "Neighborhood Update." This request is being considered as a Petition under 10 C.F.R. § 2.206.

The statement of concern is that both GPU Nuclear and the Commission agree that a license amendment request, which involves the movement of spent fuel from the Oyster Creek Nuclear Generating Station's spent fuel pool to the storage facility while the plant is operating, "is not a safety issue but a procedural one." The Petitioner asserts that GPU Nuclear desires to operate Oyster Creek Nuclear Generating Station while it lifts "an unprecedentedly heavy (100 ton) load over the reactor's containment structure (the torus) and over the used fuel pool" and that this is a safety issue.

As basis for the request, the Petitioner asserts that the statement in the "Neighborhood Update" is untrue, referencing the following excerpts from the Commission Bulletin (NRCB 96-02) of April 11, 1996:

"The NRC staff audited both the initial and updated 10 C.F.R. 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 C.F.R. 50.59 and 50.90."

"Accordingly, as defined in 10 C.F.R. 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 C.F.R. 50.90."

I have attached drafts of a letter of acknowledgement to the Petitioner and a Notice of Receipt of the Petition for publication in the *Federal Register*.

Contact: Jay McGurren
415-1695

Please inform Jay McGurren of my staff of the technical contact who will be involved in preparing a response to the Petition. Please ensure that I am provided copies of all correspondence related to the Petition and that I am asked to concur on all staff correspondence.

Attachments: 1. Copy of Petition
2. Draft of Letter to Petitioner
3. Draft *Federal Register* Notice

cc w/atts: M. Malsch, OGC
S. Burns, OGC
L. Chandler, OGC
T. Martin, RI
K. Smith, RI

William deCamp, Jr.
Oyster Creek Nuclear Watch
P.O. Box 243
Island Heights, NJ 08732

Dear Mr. deCamp:

On May 11, 1996, you filed a letter with the U.S. Nuclear Regulatory Commission (Commission) on behalf of Oyster Creek Nuclear Watch requesting that the Commission "investigate and correct a highly inaccurate public statement" that appeared in the GPU Nuclear April 1996 "Neighborhood Update." This request is being considered as a Petition under 10 C.F.R. 2.206. This letter acknowledges the Commission staff's receipt of your petition.

The statement of concern is that both GPU Nuclear and the Commission agree that a license amendment request, which involves the movement of spent fuel from the plant's spent fuel pool to the storage facility while the plant is operating, "is not a safety issue but a procedural one." You assert that GPU Nuclear desires to operate Oyster Creek Nuclear Generating Station while it lifts "an unprecedentedly heavy (100 ton) load over the reactor's containment structure (the torus) and over the used fuel pool" and that this is a safety issue.

As basis for your request, you assert that the statement in the "Neighborhood Update" is untrue, referencing the following excerpts from the Commission Bulletin (NRCB 96-02) of April 11, 1996:

"The NRC staff audited both the initial and updated 10 C.F.R. 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 C.F.R. 50.59 and 50.90."

"Accordingly, as defined in 10 C.F.R. 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 C.F.R. 50.90."

The staff will review your petition in accordance with 10 C.F.R. 2.206. A final decision with regard to your petition will be issued within a reasonable time. Enclosed is a copy of the notice that is being filed for publication with the Office of the Federal Register.

Sincerely,

William T. Russell, Director
Office of Nuclear Reactor Regulation

Enclosure: As stated

cc: GPU Nuclear

UNITED STATES NUCLEAR REGULATORY COMMISSION

GPU NUCLEAR

OYSTER CREEK NUCLEAR GENERATING STATION

DOCKET

RECEIPT OF PETITION FOR DIRECTOR'S DECISION
UNDER 10 C.F.R. § 2.206

Notice is hereby given that by letter dated May 11, 1996, William de Camp, Jr., on behalf of Oyster Creek Nuclear Watch requested that the Nuclear Regulatory Commission (Commission) "investigate and correct a highly inaccurate public statement" that appeared in the GPU Nuclear April 1996, "Neighborhood Update." The statement of concern is that both GPU Nuclear and the Commission agree that a license amendment request, which involves the movement of spent fuel from the Oyster Creek Nuclear Generating Station's spent fuel pool to the storage facility while the plant is operating, "is not a safety issue but a procedural one." It is asserted that GPU Nuclear desires to operate Oyster Creek Nuclear Generating Station while it lifts "an unprecedentedly heavy (100 ton) load over the reactor's containment structure (the torus) and over the used fuel pool" and that this is a safety issue.

As basis for the request, it is asserted that the statement in the "Neighborhood Update" is untrue, referencing the following excerpts from the Commission Bulletin (NRCB 96-02) of April 11, 1996:

"The NRC staff audited both the initial and updated 10 C.F.R. 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 C.F.R. 50.59 and 50.90."

"Accordingly, as defined in 10 C.F.R. 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 C.F.R. 50.90."

The request is being treated pursuant to 10 C.F.R. § 2.206 of the Commission's regulations. The request has been referred to the Director of Nuclear Reactor Regulation (NRR). As provided by Section 2.206, appropriate action will be taken on this request within a reasonable time.

A copy of the Petition is available for inspection at the Commission's Public Document Room, 2120 L Street, N.W., Washington, D.C. 20555.

FOR THE NUCLEAR REGULATORY COMMISSION

William T. Russell, Director
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland

this ____ day of _____ 1996.

Stolz/Eaton *WR R*
RZ Z

S. Varga —

*Pls. have John S
decision approval with
OGC now, lets n
wait for OGC dr,
to be ready
As we discuss*

EDO Principal Correspondence Control

FROM: DUE: 07/12/96

EDO CONTROL: GT96452
DOC DT: 06/14/96
FINAL REPLY:

William deCamp, Jr.
Oyster Creek Nuclear Watch

TO:

Chairman Jackson

FOR SIGNATURE OF :

** GRN **

CRC NO: 96-0633

DESC:

2.206 PETITION RE OYSTER CREEK

ROUTING:

Taylor
Milhoan
Thompson
Blaha
(Russ: ~~1~~ NRR
TTM: ~~in~~, RI
Li: ~~erman~~, OE

DATE: 06/19/96

ASSIGNED TO:

CONTACT:

OGC

Cyr

SPECIAL INSTRUCTIONS OR REMARKS:

*if we are more
timely on front end, we
may have opportunities -
handle in
one response letter
not 2-step appra*

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

PAPER NUMBER: CRC-96-0633 LOGGING DATE: Jun 17 96
ACTION OFFICE: EDO
AUTHOR: WILLIAM DECAMP
AFFILIATION: NEW JERSEY
ADDRESSEE: CHAIRMAN JACKSON
LETTER DATE: Jun 14 96 FILE CODE: IDR-5 OYSTER CREEK
SUBJECT: GPU TESTIMONY CONCERNING OYSTER CREEK
ACTION: Direct Reply
DISTRIBUTION: CHAIRMAN, COMRS, RF
SPECIAL HANDLING: SECY TO ACK
CONSTITUENT:
NOTES:
DATE DUE: Jul ³/_p 96
SIGNATURE: . DATE SIGNED:
AFFILIATION:

EDO -- GT96452