

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

June 14, 1996

Hon. Shirley Jackson, Chairman  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Dr. Jackson,

I am writing on behalf of Oyster Creek Nuclear Watch to respectfully request that the Nuclear Regulatory Commission take action in relation to apparently false public testimony given by the management of GPU Nuclear.

The transcript of the March 7, 1994 hearing before the Lacey Township Zoning Board of Adjustment (enclosed) contains the following testimony, given under oath, by John Barton, who was then the Director of the Oyster Creek Nuclear Generating Station. Mr. Barton testified that it is not safe to operate the Oyster Creek Nuclear Generating Station without the capacity to fully offload the fuel from the nuclear reactor:

"If we do not install the dry spent fuel storage modules by 1996, the plant would not have the capability of totally off-loading fuel from the reactor to the in-plant spent fuel pools." (transcript pp. 94-95)

"In order to operate safely we should be able to remove this fuel from the reactor and store it in the spent storage pool." (transcript p. 95)

"Without dry storage and without the ability to move all the fuel from the reactor, the plant would not be able to operate." (transcript p. 95)

These quotes are fully consistent with the basic thrust of the testimony of managers for GPU Nuclear throughout these hearings, which was that without the additional pool space that a dry storage facility would create, the plant would have to be closed as of the September 1996 refueling outage - with consequent adverse economic impacts on the community in which the Zoning Board members reside.

As I know you are aware, the NRC ruled in February of 1985 in 10 CFR Part 53 that reactors may safely be run without full core offload capacity. Mr. Barton certainly ought to have been aware of this ruling which had been a matter of record for over nine years at time of his testimony. The fact of Mr. Barton's recent retirement should not absolve the management of GPU Nuclear from the basic responsibility of making truthful statements under oath.

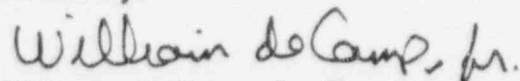
In an article by Neil A. Sheehan from the Asbury Park Press dated April 18, 1996 (enclosed) a spokesperson for GPU Nuclear states that - notwithstanding Mr. Barton's sworn testimony to the contrary - GPU Nuclear plans to run the Oyster Creek reactor without full core offload capacity after the scheduled refueling outage in September of this year.

Oyster Creek Nuclear Watch respectfully requests that the Nuclear Regulatory Commission undertake two steps in relation to this matter:

(1) We request that the NRC investigate the situation at Oyster Creek in order to ascertain 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.

(2) If no special situation disqualifies Oyster Creek from operating without full core offload capacity, then we request that the NRC take appropriate disciplinary action against GPU Nuclear management for making a false statement under oath.

Sincerely,



William deCamp, Jr., Trustee  
Oyster Creek Nuclear Watch

908-714-0334  
201-376-6639

LACEY TOWNSHIP BOARD OF ADJUSTMENT

ORIGINAL<sup>1</sup>

APPLICATION NO.

93-40

IN REGARD TO THE MATTER OF:

JERSEY CENTRAL POWER & LIGHT CO.,  
BLOCK 1001, LOT 4, TAX MAP 53,  
800 SOUTH MAIN STREET, FORKED RIVER

\* \* \* \* \*

MONDAY, MARCH 7, 1994

\* \* \* \* \*

TRANSCRIPT IN THE ABOVE MATTER TAKEN  
BY AND BEFORE PATRICIA D. WILCENSKI, A CERTIFIED  
SHORTHAND REPORTER AND NOTARY PUBLIC OF THE STATE  
OF NEW JERSEY, AT THE TOWNSHIP OF LACEY MUNICIPAL  
BUILDING, 818 WEST LACEY ROAD, FORKED RIVER, NEW  
JERSEY, COMMENCING AT 7:45 P.M.

A P P E A R A N C E S:

LEVIN & HLUCHAN, ESQUIRES  
BY: RICHARD M. HLUCHAN, ESQUIRE  
ATTORNEYS FOR THE APPLICANT

THOMAS G. GANNON, ESQUIRE  
BOARD ATTORNEY

CERTIFIED SHORTHAND REPORTING SERVICES  
ARRANGED THROUGH  
MASTROIANNI & FORMAROLI, INC.  
104 WHITE HORSE PIKE  
HADDON HEIGHTS, NEW JERSEY 08035

(609) 546-1100

1 MR. HLUCHAN: Thank you.

93

2 Mr. Chairman, I'd like to hand up as  
3 exhibits copies of the resolutions that Mr.  
4 Leonard made reference to as part of the record,  
5 if I may, and I think we can mark them as a group  
6 as Exhibit A-6.

7 And our final witness is Mr. John  
8 Barton, who is the director of the Oyster Creek  
9 Nuclear Generating Station. Mr. Barton.

10 MR. BARTON: Hi. I'm John Barton.  
11 My wife and I reside in the Forked River Beach  
12 section of the Township.

13 I have a bachelor of engineering  
14 degree from the United States Merchant Marine  
15 Academy.

16 I have been in the nuclear power  
17 business since 1959, having spent eight years  
18 constructing and testing nuclear submarines and  
19 surface vessels for the United States Navy, four  
20 years as a senior startup engineer for an  
21 architect-engineer firm involved in the  
22 construction and startup of four commercial  
23 nuclear power plants.

24 I came with GPU in 1971 and have been  
25 in various positions as the startup manager,

1 would not have the capability of totally  
2 off-loading fuel from the reactor to the in-plant  
3 spent fuel pools. This is not a desirable  
4 operating configuration, should the plant need to  
5 conduct internal inspections of the reactor vessel  
6 that would require fuel to be removed from the  
7 reactor. In order to operate safely we should be  
8 able to remove this fuel from the reactor and  
9 store it in the spent fuel storage pool inside the  
10 plant, and after 1996 we will not have the  
11 flexibility to do that. Without dry storage and  
12 without the ability to remove all the fuel from  
13 the reactor, the plant would not be able to  
14 operate.

15           Additionally, we would have spent  
16 fuel in both the reactor and storage pools  
17 simultaneously, which would significantly  
18 complicate safe operation of the plant.

19           If one were to assume license renewal  
20 and extension beyond the year 2009, which is a <sup>License</sup> ~~Renewal~~  
21 possibility, we would continue to generate  
22 electricity and generate additional spent fuel at  
23 that time. If a Federal facility is not available  
24 in 2009, we would need additional dry storage  
25 modules and would, at that time, seek any needed

# Nuclear plant still looking for federal OK

By NEIL A. SHEEHAN  
STAFF WRITER

LACEY TOWNSHIP — All's still quiet down on Radwaste Way at the Oyster Creek nuclear power plant, despite the delivery of special spent fuel containers.

Before plant operator GPU Nuclear Corp. can begin loading spent fuel rods into a series of specially designed concrete vaults that were installed earlier this year, it must gain approval of an operating license amendment from the federal Nuclear Regulatory Commission.

The agency ordered the amendment, which must spell out exactly how the operation would be carried out.

Susan C. Mysak, a plant spokeswoman, said yesterday that an application for the amendment is expected to be filed early next month.

Previously, GPU Nuclear officials had expressed worries that the delay in loading the spent fuel could create problems for a refueling and maintenance outage scheduled for September. Because space in the plant's circulating-water fuel storage pool is nearly depleted, there was concern the outage might have to be postponed until fuel is shifted to the aboveground depot.

The transfer of that fuel was to begin last month, but that work was put on hold after the NRC asked for the amendment.

However, Mysak said the outage will proceed as planned in September. The spent rods pool is capable of holding 2,645 fuel assemblies, and 2,048 are currently stored there. During the outage, an additional 184 assemblies will be placed in the pool.

One consequence is the plant will be unable to remove all of the fuel rods contained in its reactor core at one time in the event of an emergency.

Mysak said federal regulations do not require that ability, though industry watchdogs say that capability should always be available as a safety precaution. 4/18/96 Asbury Park Press