

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
GENERAL PUBLIC UTILITY NUCLEAR	)	Docket No. 50-219-OLA
CORPORATION	)	
	)	
(Oyster Creek Nuclear Generating	)	
Station)	)	

AFFIDAVIT OF RONALD B. EATON IN SUPPORT OF THE NRC STAFF'S  
RESPONSE IN SUPPORT OF LICENSEE'S MOTION FOR SUMMARY DISPOSITION

I, Ronald B. Eaton, being duly sworn, do hereby state as follows:

1. I am employed by the U.S. Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation. My business address and telephone number are:  
  
Ronald B. Eaton, Senior Project Manager  
Office of Nuclear Reactor Regulation  
U. S. Nuclear Regulatory Commission  
Washington, D.C. 20555  
  
(301) 415-3041
2. I am currently assigned to serve as the Senior Project Manager, Project Directorate I-2, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission.
3. I am experienced as a licensing examiner, inspector and NRC project manager of operating nuclear power plants. I am familiar with the regulations pertaining to the operation of

nuclear power plants and the staff's review of the amendment at issue. A summary of my professional qualifications and experience is attached hereto (Exhibit 1) and is incorporated herein by reference.

4. I have reviewed General Public Utility Nuclear Corporation's (GPUN) "Licensee's Motion for Summary Disposition," dated November 15, 1996, and the supporting "Affidavit of John C. Fornicola" (Fornicola Aff.).

5. Based on that review and my experience, it is my professional opinion that the information and the events described by Mr. Fornicola in his affidavit are correct and historically factual. This opinion is reinforced by my comparison of the Oyster Creek dry storage issues with those issues at other power plants. For example, Sacramento Municipal Utility District's (SMUD's) Rancho Seco facility had a Technical Specification similar to the Oyster Creek technical specification at issue and SMUD changed it for the same reason that GPUN did, whereas Duke Power elected to adopt the same rationale for its Oconee facility that Consumers Power adopted for its Palisades plant, namely, that the fuel in the transfer cask is in transit, not stored, in retaining a similar technical specification unchanged. The Staff has not taken exception to either approach.

6. Notwithstanding TS 5.3.1.B, GPUN moved a shield plug over irradiated spent fuel in a cask in returning irradiated fuel that had been shipped from West Valley to the spent fuel storage facility at Oyster Creek in 1984-85. Fornicola Aff. ¶ 21.

7. Even though Palisades has such a TS, it did not need to amend it in order to transport fuel to its ISFSI. Fornicola Aff. ¶ 22.

8. Documents cited in the Fornicola Affidavit with regard to the genesis and Staff/Licensee interpretation of T.S. 5.3.1.B establish that the TS relates to stored fuel and not to fuel being readied for transportation.

9. The Standard Technical Specification (STS) recommended by NUREG-0612 specifically relates to stored fuel in racks and not to fuel being packaged for transport. Fornicola Aff. ¶ 19.

10. On the basis of these considerations, it is my professional opinion that Mr. Fornicola correctly presented the historical perspective and established that Oyster Creek's TS 5.3.1.B did not derive from a recommendation of NUREG-0612 but rather came about as a result of an amendment request to install high density racks in the spent fuel storage facility at Oyster Creek three years prior to the publication of NUREG-0612.

11. On October 5, 1995, the Staff issued an amendment to Sacramento Municipal Utility District for Rancho Seco Technical Specification D 3.3. Prior to amendment, D 3.3 read as follows:

No loads shall be handled over irradiated fuel assemblies stored in the spent fuel pool, except fuel assemblies, control components, and associated handling tools. The load shall not exceed the combined weight of one fuel assembly, control component and associated handling tool.

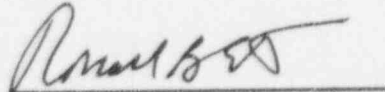
Amendment No. 123 added language as follows:

This Limiting Condition for Operation permits fuel off-load activities as follows:

The dry shielded canister (DSC) top shield plug, the MP-187 cask lifting yoke and yoke extension, and gantry crane lower load block may be handled with the Turbine Building

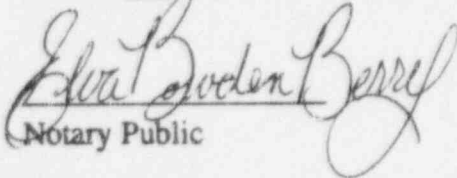
Gantry Crane over irradiated fuel assemblies that are in a DSC in the spent fuel pool. (A copy of the amendment package is attached as Exhibit 2).

12. The information set forth above is true and correct to the best of my knowledge and belief.



Ronald B. Eaton

Sworn and subscribed to before  
me this 16th day of December, 1996.

  
Notary Public

My commission expires: \_\_\_\_\_

ELVA BOWDEN BERRY  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires December 1, 1999