

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

COPY

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

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LACEY TOWNSHIP BOARD OF ADJUSTMENT

ORIGINAL

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
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1 MR. STAWSKI: Thank you.

2 A SPEAKER: You didn't answer me.

3 Yes or no?

4 MR. HLUCHAN: Of course there isn't.

5 MR. STAWSKI: That's why he's here.

6 A SPEAKER: Ten years to get his
7 answer.

8 MR. HLUCHAN: Can we take a break?

9 MR. STAWSKI: Let's take a
10 five-minute break.

11 (BRIEF RECESS)

12 MR. HLUCHAN: Mr. Chairman, our next
13 panel of witnesses is the management, and I would
14 ask at this time that Gordon Bond, Harry Leonard
15 and John Barton be sworn.

16 (GORDON BOND, HARRY E. LEONARD AND
17 [JOHN BARTON, BEING DULY SWORN], WERE EXAMINED AND
18 TESTIFIED AS FOLLOWS:)

19 MR. GANNON: Would you have them
20 state their names in the order in which they're
21 sitting?

22 MR. HLUCHAN: Gordon Bond, B-o-n-d,
23 Harry Leonard, L-e-o-n-a-r-d, and John Barton,
24 B-a-r-t-o-n.

25 MR. GANNON: Thank you.

XV
has
completed
5 min
break

1 MR. HLUCHAN: Thank you.

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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 project manager. I was responsible for
2 construction and startup of the TMI units and was
3 involved in the Oyster Creek startup program in
4 1969 when I worked for the architect-engineers
5 firm, have been assigned at Oyster Creek since
6 1985, and have been a director at the station
7 since 1991.

8 I was asked to address the future of
9 the Oyster Creek Generating Station. Oyster Creek
10 is currently licensed to operate into the year
11 2009, and the current plans the company has are to
12 operate the station until that time. When the
13 plant does shut down we expect to maintain all
14 spent fuel on-site in a safe condition, and, in
15 fact, we would be required to do so by Federal
16 law. That would include the monitoring of dry
17 spent fuel storage modules and the maintenance and
18 monitoring of those plant systems necessary to
19 keep the spent fuel, which is now stored in the
20 fuel pool, in a safe condition until the Federal
21 government has a facility which would take spent
22 fuel from electric utilities.

23 The fall of 1996 is a critical time
24 for plant operation. If we do not install the dry
25 spent fuel storage modules by 1996, the plant

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 ^{License} ~~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

1 additional approvals. Thank you.

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2 MR. HLUCHAN: That concludes the
3 testimony from the management panel, and these
4 gentlemen are now available for your questions
5 from members of the Board.

6 MR. STAWSKI: Does anyone have any
7 questions?

8 MR. MOORE: Mr. Bond, you mentioned
9 in your testimony a date, 1998. I've heard that
10 before. Would you elaborate on that?

11 MR. BOND: Yes, I'd be happy to.

12 In 1992 when Congress passed the
13 Nuclear Waste Policy Act, they specifically set
14 that date in the Act as the target date for
15 operation of a Federal repository. DOE was given
16 the responsibility of implementing such a
17 repository by that date.

18 MR. MOORE: And are they moving along
19 those lines?

20 MR. BOND: No, clearly not. As I
21 mentioned, the repository is estimated by DOE,
22 although you will hear various estimates by DOE,
23 but the one that I'm most familiar with recently
24 was one by Mrs. O'Leary who had estimated it to be
25 2013 before the repository would be available.

*Final
Report*