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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD

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USNRC

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Before Administrative Judges:

G. Paul Bollwerk, III, Chairman  
Dr. Charles N. Kelber  
Dr. Peter S. Lam

OFFICE OF THE SECRETARY  
DOCKET

SERVED NOV 14 1996

In the Matter of

GENERAL PUBLIC UTILITY  
NUCLEAR CORPORATION

(Oyster Creek Nuclear  
Generating Station)

Docket No. 50-219-OLA

ASLBP No. 96-717-02-OLA

November 14, 1996

NOTICE OF HEARING  
(Application to Approve Technical  
Specification Change)

On May 8, 1996, the NRC staff announced in the Federal Register (1) a proposed "no significant hazards consideration" finding regarding an April 15, 1996 request by licensee General Public Utility Nuclear Corporation (GPUN) to revise Technical Specification 5.3.1.B for the Oyster Creek Nuclear Generating Station (OCNGS); and (2) an opportunity for a hearing on that GPUN license amendment application. (61 Fed. Reg. 20,842, 20,842-43, 20,848.) The then-current technical specification prohibited the handling of a load greater in weight than one spent fuel assembly over irradiated fuel in the spent fuel pool. The then-proposed technical specification change was intended to facilitate the off load of spent fuel from the OCNGS spent fuel pool to the OCNGS

DS02

independent spent fuel storage installation (ISFSI) by permitting the shield plug for a dry shielded canister (DSC) and associated lifting hardware to be moved over irradiated fuel in the DSC while the DSC is submerged in the spent fuel pool preparatory to being secured with the shield plug, lifting from the pool, and transporting to the onsite ISFSI.

Acting on the hearing offering, on June 6, 1996, pro se petitioners Nuclear Information and Resource Service (NIRS), Oyster Creek Nuclear Watch (OCNW), and the Citizens Awareness Network (CAN) filed a timely hearing request and petition to intervene seeking to challenge the proposed technical specification change. On June 13, 1996, the Commission referred the petitioners' hearing request to the Atomic Safety and Licensing Board Panel for the appointment of a presiding officer to conduct any necessary proceedings. On June 17, 1996, the Chief Administrative Judge of the Panel appointed this Atomic Safety and Licensing Board to act on the Commission's referral. (61 Fed. Reg. 31,964.) The Board consists of Dr. Charles N. Kelber, Dr. Peter S. Lam, and G. Paul Bollwerk, III, who serves as Chairman of the Board.

After receiving additional filings from the participants on the issues of the petitioners' standing and the admissibility of their single joint contention, on August 7, 1996, the Board held a prehearing conference during which petitioner NIRS, GPUN, and the staff made further presentations addressing those matters. On October 25, 1996, the Board issued a memorandum and order in which it ruled that (1) petitioners NIRS and OCNW had established representational standing as of right; (2) petitioner CAN had failed to show either that it is entitled to standing as of right or that it should be afforded

discretionary standing, but nonetheless would be permitted to participate as an amicus curiae; and (3) petitioners NIRS and OCNW had put forth an admissible legal contention regarding the validity of the proposed technical specification revision under the agency's "defense-in-depth" policy. The Board thus granted the hearing request of petitioners NIRS and OCNW. (See LBP-96-23, 44 NRC \_\_ (Oct. 25, 1996).) Thereafter, on November 7, 1996, the staff made a finding that the proposed technical specification change involves "no significant hazards consideration" and issued the requested license amendment.

Please take notice that a hearing will be conducted in this proceeding. This hearing will be governed by the formal hearing procedures set forth in 10 C.F.R. Part 2, Subpart G (10 C.F.R. §§ 2.700-.790).

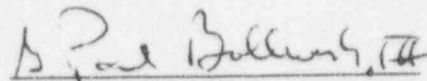
During the course of the proceeding, the Board may conduct an oral argument, as provided in 10 C.F.R. § 2.755, and may hold additional prehearing conferences pursuant to 10 C.F.R. § 2.752. The public is invited to attend any oral argument, prehearing conference, or evidentiary hearing, which may be held pursuant to 10 C.F.R. §§ 2.750-.751. Notice of such sessions will be published in the Federal Register and/or made available to the public at the NRC Public Document Rooms.

In accordance with 10 C.F.R. § 2.715(a), any person not a party to the proceeding may submit a written limited appearance statement setting forth his or her position on the issue in this proceeding. These statements do not constitute evidence, but may assist the Board and/or parties in the definition of the issue being considered. Persons wishing to

submit a written limited appearance statement should send it to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC. 20555, Attention: Docketing and Service Branch. A copy of the statement also should be served on the Chairman of the Atomic Safety and Licensing Board. The Board will decide at a later date whether to entertain oral limited appearance statements.

Documents relating to this proceeding are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC. 20555; and at the NRC Local Public Document Room at the Ocean County Library, Reference Department, 101 Washington Street, Toms River, NJ 08753.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

A handwritten signature in dark ink, appearing to read "G. Paul Bollwerk, III", is written over a horizontal line.

G. Paul Bollwerk, III, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland

November 14, 1996

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of

GENERAL PUBLIC UTILITY NUCLEAR  
CORPORATION  
(Oyster Creek Nuclear Generating  
Station)

Docket No.(s) 50-219-CLA

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB NOTICE OF HEARING - 11/14 have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

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Dated at Rockville, Md. this  
14 day of November 1996

  
\_\_\_\_\_  
Office of the Secretary of the Commission