

DOCKETED  
November 15, 1996

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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**BEFORE THE ATOMIC SAFETY AND LICENSING BOARD**

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

In the Matter of	)	
	)	Docket No. 50-219-OLA
GPU NUCLEAR CORPORATION	)	(Tech. Spec. 5.3.1.B)
	)	
(Oyster Creek Nuclear Generating Station)	)	ASLBP No. 96-717-02-OLA

**LICENSEE'S STATEMENT OF MATERIALS FACTS  
AS TO WHICH THERE IS NO GENUINE DISPUTE**

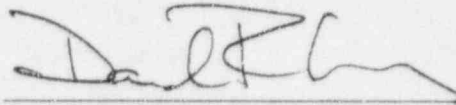
Pursuant to 10 C.F.R. § 2.749(a), GPU Nuclear Corporation ("GPUN" or "Licensee") submits the following concise statement of material facts as to which Licensee contends there is no genuine issue to be heard.

1. NUREG-0612 provided only recommendations of actions that should be taken to assure safe handling of heavy loads. NUREG-0612, by itself, did not establish requirements on licensees.
2. NUREG-0612 Interim Protection recommendation (1), that licensees implement a technical specification comparable to Oyster Creek Technical Specification 5.3.1.B, was not adopted by the Nuclear Regulatory Commission ("NRC") in the December 22, 1980 generic letter that implemented selected recommendations of NUREG-0612.
3. The Standard Technical Specification for Boiling Water Reactors referred to in Interim Protection recommendation (1) in NUREG-0612 applies specifically to spent fuel assemblies in spent fuel storage racks.
4. Oyster Creek Nuclear Generating Station ("Oyster Creek") Technical Specification 5.3.1.B was adopted in 1977 in an Oyster Creek license

amendment that increased the storage capacity of the spent fuel storage facility by replacing existing storage racks with new storage racks.

5. Technical Specification 5.3.1.B has always applied specifically to stored spent fuel in the spent fuel storage facility.

Respectfully submitted,



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Ernest L. Blake, Jr.  
David R. Lewis

SHAW, PITTMAN, POTTS & TROWBRIDGE  
2300 N Street, N.W.  
Washington, D.C. 20037-1128  
(202) 663-8084

Counsel for Licensee

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