

March 29, 2002

Mr. Robert H. Leyse
P.O. Box 2850
Sun Valley, ID 83353

Dear Mr. Leyse:

I am responding to an electronic mail message, dated December 15, 2001, that you sent to Mr. Ken Webster, Office of Congressman Mike Simpson, that had attached to it a note to Mr. Jack Cushing. Your note responded to a letter that Mr. Cushing sent to you, dated December 10, 2001, in which he responded to concerns you expressed to Ms. Kathleen E. Trever, Coordinator for INEEL Issues for the State of Idaho, regarding unusually heavy crud buildup at the River Bend Station, Unit 1 (River Bend) that was identified in Licensee Event Report (LER) 50-458/99-016-00.

Mr. Cushing's letter to you was written to address the two items listed below:

1. The LER may not have received widespread attention and you wished to ensure that the regulators of the Columbia Generating Station are aware of this LER.
2. The extent to which the NRC has evaluated the issue of crud buildup at other boiling water reactors, especially the Columbia Generating Station.

Mr. Cushing also enclosed material in his letter that provided a discussion of the fuel cladding, its role as one of the three barriers to the release of fission products, how this barrier is monitored and maintained, and the actions licensees take upon discovery of fuel defects.

In your note, you stated that Mr. Cushing implied that the LER was submitted by River Bend in response to Nuclear Regulatory Commission (NRC) requirements under 10 CFR 50.73, although Mr. King of Entergy Operations, Inc., stated that the report was being filed voluntarily. Mr. Cushing provided information related to 10 CFR 50.73 to assure you that the issue at River Bend received widespread attention, and not to identify whether the LER was required or voluntary.

In addition, your note indicated that the statement, "The safety significance of the fuel cladding defects is low since they are considered in the licensing basis," contained in a memorandum dated March 22, 2001, from Mr. Moody of the NRC to Mr. Gramm of the NRC, was false. This statement related to addressing the fuel element defects identified in LER 50-458/99-016-00 and is supported by Directors Decision 99-08, which was provided to you as an enclosure to Mr. Cushing's December 10, 2001, letter. The evaluation in the Director Decision stated: "As discussed in the consideration of generic safety concerns, the staff does not agree that preexisting fuel cladding defects and resultant fuel leakage violate plant licensing bases. The staff also considers that conclusion valid for River Bend...."

R. H. Leyse

-2-

Mr. Cushing provided to you, as enclosures to the letter dated December 10, 2001, publicly available information pertaining to LER 50-458/99-016-00. This information included the inspection report that followed the licensee's evaluation of the seven fuel element failures identified in the LER and the summary of a meeting held between the NRC and the licensee for River Bend that discussed issues associated with these fuel cladding failures.

I am aware that you have requested that the NRC amend its regulations on the acceptance criteria for emergency core cooling systems for light-water nuclear power reactors to address the impact of severe crud deposits on fuel bundle coolability during normal operation and the impact of crud on cooling capability during a fast-moving, large-break, loss-of-coolant accident, and that your request has been docketed as a petition for rulemaking. Your petition will be addressed in separate correspondence.

If I can be of further assistance, please contact me at (301) 415-1924.

Sincerely,

/RA/

David J. Wrona, Project Manager, Section 1
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-458

R. H. Leyse

-2-

Mr. Cushing provided to you, as enclosures to the letter dated December 10, 2001, publicly available information pertaining to LER 50-458/99-016-00. This information included the inspection report that followed the licensee's evaluation of the seven fuel element failures identified in the LER and the summary of a meeting held between the NRC and the licensee for River Bend that discussed issues associated with these fuel cladding failures.

I am aware that you have requested that the NRC amend its regulations on the acceptance criteria for emergency core cooling systems for light-water nuclear power reactors to address the impact of severe crud deposits on fuel bundle coolability during normal operation and the impact of crud on cooling capability during a fast-moving, large-break, loss-of-coolant accident, and that your request has been docketed as a petition for rulemaking. Your petition will be addressed in separate correspondence.

If I can be of further assistance, please contact me at (301) 415-1924.

Sincerely,

/RA/

David J. Wrona, Project Manager, Section 1
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-458

DISTRIBUTION:

PUBLIC
PDIV-1 r/f
RidsOgcRp
RidsAcrsAcnwMailCenter
RidsNrrDlpmLpdiv1 (RGramm)
RidsNrrPMDWrona
RidsNrrLADJohnson
K.Brockman, RIV

ARoecklein

Accession No.: ML020890005

OFFICE	PDIV-1/PM	PDIV-1/LA	PDIV-1/SC
NAME	DWrona	DJohnson	RGramm
DATE	03/19/02	03/19/02	03/29/02

OFFICIAL RECORD COPY