

April 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 (e-mail), dated April 6, 2002, that you sent to Mr. Ken Webster, Office of Congressman Mike Simpson, and to the U. S. Nuclear Regulatory Commission (NRC), that had attached to it a letter to Mr. David J. Wrona, NRC Project Manager. Your e-mail was related to a letter that Mr. Wrona sent to you, dated March 29, 2002, in which he responded to concerns you expressed 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.

In your e-mail, you had a concern regarding the information disclosed to the public. In a letter to you, dated December 10, 2001, Mr. Jack Cushing of the NRC 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. Mr. Cushing also provided you with the following information:

- Director's Decision 99-08, related to leaking fuel rods at River Bend,
- A June 22, 1999, Meeting Summary, in which Entergy Operations, Inc. discussed the root cause investigation into fuel cladding failures that occurred at River Bend during cycle 8 operation, and
- NRC Inspection Report 50-458/99-07, which discussed the fuel element failures that occurred at River Bend during fuel cycle 8.

We have reviewed the information that Mr. Cushing provided you and have determined that all of the publicly available information pertaining to LER 50-458/99-016-00 has been provided to you.

In your e-mail, you indicate that River Bend is licensed on the basis that fuel system failure damage will not occur as a result of crud buildup. You also indicate that the statement in the LER, "The significance of the perforations is low since they are considered in the licensing basis," is false. We respectfully disagree. Our conclusion that fuel cladding defects are addressed in the licensing basis is based on Director's Decision 99-08. Your e-mail provided no new technical information that would modify our conclusions reached in Director's Decision 99-08.

In regards to the disclaimer of responsibility that the General Electric company included in topical report NEDE-24011, a licensee referencing the topical report in a submittal to the NRC, pursuant to Title 10, Section 50.9 of the *Code of Federal Regulations*, is required to ensure the information is complete and accurate in all material respects.

R. H. Leyse

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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.

Should you have any additional questions, or if I can be of further assistance in this matter, please contact David Wrona of my staff at (301) 415-1924.

Sincerely,

/RA/

Robert A. Gramm, Chief, Section 1  
Project Directorate IV  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-458

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.

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Robert A. Gramm, Chief, Section 1  
Project Directorate IV  
Division of Licensing Project Management  
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Docket No. 50-458

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