



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20545-0001

May 20, 1999

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SECRETARY

Mr. David A. Lochbaum
Union of Concerned Scientists
1616 P Street NW, Suite 310
Washington, DC 20036-1495

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SERVED MAY 21 1999

Re: Director's Decision DD-99-08,
River Bend and Perry, Docket
Nos. 50-458 and 50-440 (2.206)

Dear Mr. Lochbaum:

On April 18, 1999, the Director of the Office of Nuclear Reactor Regulation issued Director's Decision DD-99-08. On April 23, 1999, the Commission received your letter dated April 21, 1999, requesting on behalf of the Union of Concerned Scientists that the Commission institute a review of DD-99-08.

NRC regulations provide that, within 25 days after the date of the Director's Decision, the Commission may on its own motion review that decision, in whole or in part, to determine if the director has abused his discretion. Review is at the discretion of the Commission; no petition or other request for Commission review of a Director's Decision will be entertained by the Commission (See 10 CFR 2.206(c)(2)). Therefore, to the extent that you request that the Commission undertake a formal review of DD-99-08 and hold a meeting to directly receive your views on the decision, your request is denied. The Commission has determined that a meeting to further discuss the issues raised in your letter and your petitions is not warranted.

The Commission has found the staff's reasoning and statements of regulatory requirements, guidance, and practices fully satisfactory with regard to the fuel defects cited in your petitions. Since the Commission determined not to undertake a formal review of the Director's Decision in this matter, the decision became final agency action on May 13, 1999.

Sincerely,

Annette L. Vietti-Cook
Secretary of the Commission

cc: Service List

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

ENTERGY GULF STATES, INC., ET AL.
FIRSTENERGY NUCLEAR OPERATING CO.
(River Bend Station, Unit 1
Perry Nuclear Power Plant, Unit 1)

Docket No.(s) 50-458/440-(2.206)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LTR SECY TO LOCHBAUM--DD-99-08 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
21 day of May 1999

Adrian T. Byrd
Office of the Secretary of the Commission