



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

April 27, 1989

DD-89-03

Ms. Susan L. Hiatt
Representative of Ohio Citizens for
Responsible Energy, Inc.
8275 Munson Road
Mentor, Ohio 44060

Dear Ms. Hiatt:

This letter is in further response to your Petition of July 22, 1988, requesting that the Director, Office of Nuclear Reactor Regulation (NRR), take immediate action with respect to boiling water reactors (BWRs) to relieve what you allege to be undue risks to the public health and safety posed by the thermal-hydraulic instability of BWRs as revealed by an event at LaSalle County Station, Unit 2, on March 9, 1988.

On August 26, 1988, I informed you that your request for immediate relief was denied because the allegations that form the basis for your Petition did not reveal any new operational safety issue that posed an immediate safety concern for continued BWR operation. I also informed you that your Petition was being treated under 10 CFR 2.206 of the Commission's regulations and that appropriate action, that is, a formal decision, would be taken within a reasonable time.

For the reasons set forth in the enclosed Director's Decision under 10 CFR 2.206, your Petition has been denied. However, as discussed below, your request to reopen rulemaking proceedings regarding anticipated transients without scram (ATWS) is being treated as a Petition for rulemaking under 10 CFR 2.802 of the Commission's regulations. A copy of the Decision will be filed with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206. The Decision will constitute final action of the Commission 25 days after the date of issuance unless the Commission, on its own motion, institutes a review of the Decision within that time.

In the August 26, 1988 letter, I acknowledged your request to reopen rulemaking proceedings regarding ATWS as part of the relief requested. However, since that time, I have determined that this request is more properly treated as a petition for rulemaking under 10 CFR 2.802 of the Commission's regulations. As such, it has been referred to the NRC Office of Research for appropriate action. However, it is important to note that both the NRC and BWR Owners Group (BWRG) currently have programs in which analyses of ATWS conditions are being conducted. These analyses treat large amplitude power oscillations with state-of-the-art analytical methods. The results of these analyses to date confirm the technical bases for the current ATWS rule. Consequently, at this time, the NRC staff sees no basis for recommending that the Commission reopen rulemaking proceedings regarding ATWS. If, however, the staff finds evidence which contradicts the assumptions and results of previous ATWS analyses from either the information you provided in support of your Petition or new information from ongoing NRC and BWRG programs, it may then be appropriate for the Commission to reconsider the current ATWS rule.

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Susan L. Hiatt

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For your information, I am enclosing a copy of Supplement 1 to NRC Bulletin No. 88-07, "Power Oscillations in Boiling Water Reactors", which is referenced in the Director's Decision. I am also enclosing a copy of the notice regarding this Decision that was filed with the Office of the Federal Register for publication.

Sincerely,



Thomas E. Murley, Director
Office of Nuclear Reactor Regulation

Enclosures:

1. Director's Decision
2. Federal Register Notice
3. NRC Bulletin No. 88-07, Supplement 1

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