



50-428

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

October 29, 1998

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

Dear Mr. Lochbaum:

I have received your Petition that you submitted on behalf of the Union of Concerned Scientists (UCS), dated September 25, 1998, addressed to L. Joseph Callan, Executive Director for Operations, U.S. Nuclear Regulatory Commission (NRC). The Petition requests enforcement action to require an immediate shutdown of the River Bend Station (RBS) and that the facility remain shut down until all failed fuel assemblies are removed from the reactor core. The RBS licensee, Entergy Operations, Inc., had recently filed NRC Daily Event Report No. 34815, in which it reported "a possible defect in fuel cladding." As an alternate action, you also stated that RBS could be restarted following the proposed shutdown after its design and licensing bases were updated to permit operation with failed fuel assemblies. Additionally, the Petition requested a public hearing to present new plant-specific information regarding the operation of RBS, as well as to discuss a UCS report dated April 2, 1998, entitled "Potential Nuclear Safety Hazard / Reactor Operation With Failed Fuel Cladding."

As the basis for your request, examples were cited in the Petition (summarized below) where, in your opinion, the RBS Updated Safety Analysis Report (USAR) does not allow for operation with pre-existing fuel failures:

- (1) Integrity of the fuel barrier is an explicit criterion in addition to radiation requirements, and RBS is violating "the spirit, if not the letter, of [USAR Section 15A, Table 15A.2-4] Criterion 4-2 since the fuel barrier has already failed, albeit to a limited extent." //
- (2) The USAR description for six design-bases events includes either the statement that the fuel barrier maintains its "integrity and functions as designed," or that "no radioactive material is released from the fuel," as a consequence of the event. It is your view that the analyses associated with these events "appear[s] valid only when the River Bend Station is operated with no failed fuel assemblies." DFOI

Your Petition further reasserted the UCS position that nuclear power plants operating with fuel cladding failures were potentially unsafe and were in violation of Federal regulations. In its April 1998 report, the UCS stated that it has not been demonstrated that the effects from design-bases transients and accidents (i.e., hydrodynamic loads, fuel enthalpy changes, etc.) prevent pre-existing fuel failures from propagating. Therefore, you concluded that it was possible that "significantly more radioactive material will be released to the reactor coolant system during a transient or accident than that experienced during steady state operation." In

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addition, you also stated that, by operating with possible failed fuel cladding, RBS is violating its licensing basis for the radiation worker protection (as low as reasonably achievable [ALARA]) program as it is described in USAR Sections 12.1.1, "Policy Considerations," and 12.1.2.1, "General Design Considerations for ALARA Exposures."

When the staff received your Petition, it conducted a preliminary evaluation to determine if an urgent safety issue was involved that warranted the requested action. Although you raised important concerns in your Petition, the staff has concluded that the Petition uncovered no urgent safety problems that warranted immediate action by the NRC. Technical Specifications (TS) limits on reactor coolant system (RCS) activity typically account for a small fraction of failed fuel, which can be expected during normal operations. These limits are set to values of RCS specific activity, which assure that the radiological consequences of postulated design-basis accidents are within the appropriate dose acceptance criteria. At RBS, operation with a minimal amount of fuel cladding damage is allowed, provided the licensee continues to meet RCS chemistry requirements of TS Section 3.4.8. Furthermore, the Petition did not include any information indicating that RBS has operated outside its TS limits. Consequently, your request for enforcement action to require the immediate shutdown of RBS is denied.

The licensee has taken actions to address the suspected condition of the fuel assembly, including the insertion of control rods to "isolate" the fuel assembly in order to minimize reactor coolant activity levels. The NRC has been closely monitoring events at RBS and will continue to ensure that there is no undue risk to public health and safety.

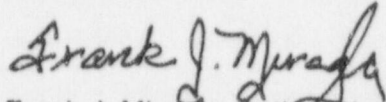
In your Petition, you also requested that the NRC conduct an informal public hearing in order to "present new information on reactor operation with failed fuel assemblies" as a follow up to the April 1998 UCS report, as well as to provide plant-specific information regarding the operation of RBS. In order to ensure that potential issues relating to this material are appropriately addressed, the NRC is hereby offering you an opportunity to present the new information referred to in your Petition at an informal public hearing. The public hearing will also allow the licensee and public to present other pertinent information, as well as provide a means to solicit questions from all participants. The information gained from the hearing will subsequently be used by the NRC in evaluating the issues raised in your Petition and the eventual rendering of a Director's Decision pursuant to 10 CFR 2.206.

In order to assist in facilitating discussion on the relevant issues during the proposed informal public hearing, the NRC is requesting that you provide, in advance of the hearing, the new information on reactor operation with failed fuel assemblies you intend to present. This will allow meeting participants to review the material and better prepare for the hearing.

If you wish to accept this offer, please contact Mr. Robert J. Fretz, the NRC Petition Manager, at (301) 415-1324 in order to establish a mutually agreeable date, time and location for the informal public hearing. Mr. Fretz will also serve as our point of contact for the information we have requested in advance of the hearing.

Your Petition has been referred to me pursuant to 10 CFR 2.206 of the Commission's regulations. As provided by Section 2.206, action will be taken on your request within a reasonable time. I have enclosed for your information a copy of the notice that is being filed with the Office of the Federal Register for publication. I have also enclosed for your information a pamphlet on the public petition process.

Sincerely,



Frank J. Miraglia, Acting Director  
Office of Nuclear Reactor Regulation

Enclosures: 1. *Federal Register* Notice  
2. Pamphlet on the Petition Process

cc w/encl: See next page



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Sincerely,

ORIGINAL SIGNED BY:

Frank J. Miraglia, Acting Director  
Office of Nuclear Reactor Regulation

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 2. Pamphlet on the Petition Process

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Docket File (50-458)

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