

U. S. NUCLEAR REGULATORY COMMISSIONDOCKET NO. 50-458LICENSE NO. NPF-47ENERGY OPERATIONS, INC.RECEIPT OF PETITION FOR DIRECTOR'S DECISION UNDER 10 CFR 2.206

Notice is hereby given that by Petition dated September 25, 1998, David A. Lochbaum (Petitioner), acting on behalf of the Union of Concerned Scientists (UCS), has requested that the U.S. Nuclear Regulatory Commission (NRC) take action with regard to the River Bend Station (RBS), operated by Entergy Operations, Incorporated. Petitioner requests that enforcement action be taken to require an immediate shutdown of the RBS, and that the facility remain shut down until all failed fuel assemblies are removed from the reactor core. As an alternate action, UCS also stated that following the requested shutdown, RBS could be restarted 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 the request, examples were cited in the Petition (summarized below) where, in the Petitioner's opinion, the RBS Updated Safety Analysis Report (USAR) does not allow for operation with pre-existing fuel failures:

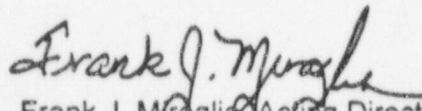
- (1) Integrity of the fuel barrier is an explicit criterion in addition to radiation requirements, and RBS is violating "the spirit, if not the letter, of [USAR Section 15A, Table 15A.2-4] Criterion 4-2 since the fuel barrier has already failed, albeit to a limited extent."
- (2) The USAR description 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 the Petitioner's view that the analyses associated with these events "appear[s] valid only when the River Bend Station is operated with no failed fuel assemblies."

The Petitioner 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, the Petitioner 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 addition, the Petitioner 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."

The request is being treated pursuant to 10 CFR 2.206 of the Commission's regulations. The request has been referred to the Director of the Office of Nuclear Reactor Regulation. As provided by Section 2.206, appropriate action will be taken on this petition within a reasonable time. By letter dated October 29, 1998, the Director denied Petitioner's request for enforcement action to require Entergy Operations, Inc., to immediately shut down RBS. In addition, the Director also extended an offer to the Petitioner for an informal public hearing at a date to be determined. A copy of the petition is available for inspection at the Commission's Public Document Room at 2120 L Street, N.W., Washington, D.C. 20555-0001.

FOR THE NUCLEAR REGULATORY COMMISSION


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

Dated at Rockville, Maryland,

This 29th day of October 1998

ACTION

EDO Principal Correspondence Control

FROM: DUE: 10/28/98

EDO CONTROL: G980592
DOC DT: 09/25/98
FINAL REPLY:

David A. Lochbaum
Union of Concerned Scientists

TO:
Callan, EDO

FOR SIGNATURE OF : ** GRN **

CRC NO:

Collins, NRR

DFSC:
2.206 -- RIVER BEND STATION

ROUTING:

Callan
Travers
Thompson
Norry
Blaha
Burns
Merschhoff, RIV
Cyr, OGC
Goldberg, OGC
Subbaratnam, NRR

DATE: 09/28/98

ASSIGNED TO: CONTACT:
NRR Collins

SPECIAL INSTRUCTIONS OR REMARKS:
NRR ACTION: DRPW:Adensam
NRR RECEIVED: September 29, 1998
NRR ROUTING: Collins/Miraglia
Boger
Sheron
Roe
Zimmerman
NRR Mailroom

ACTION
DUE TO NRR DIRECTOR'S OFFICE
BY 10/23/98

[Handwritten signature]
5/29