

**UNION OF  
CONCERNED  
SCIENTISTS**

November 6, 1998

50-458/459

Mr. Robert J. Fretz  
United States Nuclear Regulatory Commission  
Washington, DC 20555-0001

**SUBJECT: PETITION PURSUANT TO 10 CFR 2.206, RIVER BEND STATION**

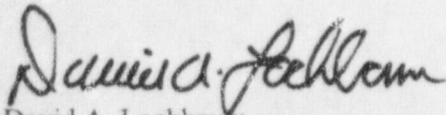
Dear Mr. Fretz:

In response to the letter dated October 29, 1998, from Mr. Frank J. Miraglia, I am notifying you that the Union of Concerned Scientists accepts the offer of an informal public hearing into the concerns raised in our 2.206 petition. Since this petition involves potential safety issues having generic application, we respectfully request that this hearing be conducted in the NRC's offices in Rockville.

The new information that we wish to present to the NRC staff during the informal public hearing primarily deals with the perception, which we feel is in error, that the reactor coolant system chemistry licensing limitations on reactor operation protect the public in event of an accident. The aforementioned letter from Mr. Miraglia contains that mis-conception. According to that letter, the NRC staff is allowing River Bend to continue operating with failed fuel because the Technical Specification 3.4.8 requirements are still satisfied. However, our generic and plant-specific research failed to reveal that an analysis has been performed showing that an accident occurring with pre-existing fuel failures will not cause that fuel damage to propagate with subsequent challenges to the 10 CFR 100 limits on public radiation exposures. By way of example, River Bend also has a Technical Specification limit on maximum drywell temperature. If it were determined that there was something on fire inside the drywell, that degraded condition could not be properly dismissed based on an observation that the applicable drywell temperature limits were still satisfied. The relevant point in case of a drywell fire, and in the case of reactor operation with failed fuel, is that the plant is outside its design bases, not that the plant is operating in violation of its Technical Specifications.

UCS was disappointed to see that the NRC staff focused exclusively on Technical Specification compliance in its preliminary evaluation of our petition. We would have expected that the staff, in light of all the lessons (supposedly) learned from Millstone, Maine Yankee, and D C Cook, would have also considered the matter relative to the plant's design bases. It is quite disheartening to see that the mistakes made by the NRC staff at those plants may be repeated.

Sincerely,



David A. Lochbaum  
Nuclear Safety Engineer

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