

From: George Wunder
To: WNP5.RCA, SSB1
Date: 11/5/98 8:58am
Subject: PROPOSED RULE CHANGE

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Note To: B. Boger
From: S. Singh Bajwa
Subject: Proposed 70.24 rule

Bruce,

George and I discussed the proposed rule.

1. The rule states that "Plant procedures shall prohibit the handling and storage at any one time of more fuel assemblies than have been determined to be safely subcritical under the most adverse moderator conditions feasible by unborated water." It sounds like this prevents licensees from assembling a core in the reactor.
2. The proposed rule is too detailed; the rule gives specific requirements that licensees must meet. These requirements are not currently in any rule. We specify general acceptable actions; however, we do not provide any regulatory guidance or standards. This could make it difficult for residents to determine whether or not licensees are meeting the intent of the rule.
3. The proposed rule will force licensees to come in with exemption requests if the use of fuel enriched to greater than 5.0 wt% U-235 is approved.
4. The rule is not clear as to the actions required by plants that currently hold exemptions from 10 CFR 70.24.

Several months ago DRP made the following recommendation regarding the proposed rule:

Rewrite the rule to say "Plant procedures do not permit fuel to be handled or stored outside of the reactor in such a way that it could be configured into a critical mass under optimal moderating conditions."

This was a good recommendation when we made it and I still stand by it. In answer to your question of whether or not the new rule fixes the problem we had with the old one, I don't think so. Efforts have been toward making an entirely new rule when the problem could have been solved simply by fixing the old rule. I would be glad to discuss this with you at your convenience.

cc: J.Z.

From: Laurence Kopp
To: WNP5 (MTJ1)
Date: 11/6/98 11:20am
Subject: PROPOSED RULE CHANGE -Forwarded -Reply

1. Plant procedures do, in fact, prevent inadvertent criticality in a reactor core during fuel handling and until reactor operation begins. That is the reason for a required shutdown margin of at least 5% during refueling. During reactor operation (criticality), fuel is no longer being handled or stored.

2. The proposed rule gives specific requirements that licensees must meet because "These requirements are not currently in any rule." Regulatory guidance is provided (e.g., k-eff of new and spent fuel storage racks must not exceed 0.95).

3. The NRC does not currently allow fuel enriched to greater than 5 wt% U-235. If higher enrichments are approved in the future, a simple rule change could be made in lieu of exemption requests. On the other hand, current exemptions contain the present enrichment limit for each individual licensee, which may be lower than 5 wt.%. For example, in lieu of the rule, a licensee with an exemption and a current enrichment limit of 4.3 wt% would have to submit a new exemption request if he wished to raise the enrichment to 4.5 wt%.

4. Reread paragraph 50.68(c).

From: Laurence Kopp
To: WND2.WNP5(MTJ1), WNP3(MBF1)
Date: 11/16/98 3:27pm
Subject: 50.68 Rule implementation -Amended Reply

YES, BUT THEY MUST EITHER HAVE CRIT MONITORS AS PER 70.24, HAVE AN EXEMPTION TO 70.24, OR MEET 50.68(b).

>>> Mel Fields 11/16/98 02:10pm >>>

I would like to find out what exactly needs to be done if licensees intend to use 50.68. 50.68(b)(8) states that "The FSAR is amended no later than the next update which Par. 50.71(e) of this part requires, indicating that the licensee has chosen to comply with 50.68(b)."

Does this mean that the licensee does not need to formally request to use 50.68 and that the staff does not need to review how the licensee complies with 50.68?

thanks

From: Laurence Kopp
To: WNP5.MTJ1
Date: 11/23/98 7:50am

Mike:

A PM informed me that OGC (Ann Hodgdon) told him that if his licensee precluded criticality but did not meet 50.68, they should apply for an exemption to 50.68, not to 70.24. Did Mizuno say anything about this?

Larry