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ATTORNEY GENERAL

July 6, 1984

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Mr. Lee Scott Dewey
Counsel for NRC Staff
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

DOCKETING & SERVICE
BRANCH

Re: In the Matter of GULF STATES UTILITIES
CO., et al. (River Bend Station, Units
1 & 2)
Docket Nos. 50-458 and 50-459 O L
Board Notification 84-062

Dear Mr. Dewey,

Thank you for the information transmitted with your letter of June 29, 1984 to the ASLB. It outlined the evolution of the regulations which concern how a piece of information gets to be a Board Notification and who gets the information.

If I read it correctly, once a piece of information gets to be a Board Notification, it is then sent to "boards", as defined in Section A., wherein the subject of the notification is "relevant and material", as defined. Presumably, the service list of that proceeding would also receive the notification.

In the case of BN 84-062, the criteria for issuance was met. See enclosed letter dated March 23, 1984 from Mr. Darrell G. Eisenhut, Director of Division of Licensing to the Commission, transmitting BN 84-062, showing copies to certain boards, and parties to those proceedings.

The only question remaining is whether this should have been sent to this (i.e., The Riverbend) Board and parties or not. The notification itself (Para. 2, pg. 2, last sentence) says, inter alia, "but is of greater significance to those having higher power density and lower damping characteristics as typified by the BWR/4, BWR/5, and BWR/6 designs."

Riverbend Station is a BWR (RBS-FSAR 4.1.2.1.1) and, according to SER (4.4.8, pg. 4-32) it is a BWR/6. Thus, I am forced to conclude that the information is something that those

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of us who are concerned with Riverbend should have.

The last remaining question is how should we receive this information? Section 6.a., of your procedures seems to indicate that it should be found in the SER, if we are at a point in time "prior to 30 days of the evidentiary hearing." Since no hearing is set in this matter for more than 30 days, I guess that would apply.

However, I must question why an evidentiary hearing concerning (1) emergency planning, (2) Asiatic clams and for (3) flood control has anything to do with notifying us that there is a potential for hydraulic instability in the core of these reactors. It seems that we are talking about something entirely new. Something which may, or may not, form the basis for an additional contention.

However, the SER issued by NRC under date of May, 1984 (NUREG-0989) does not seem to contain any reference to BN 84-062. I hasten to add that I have not yet had an opportunity to fully digest SER. I did refer to Section 4.4.4, "Thermal-Hydraulic Stability" on page 4-30, and BN 84-062 is not mentioned. If this matter is dealt with in the SER, please direct me to the section. If it is not, when were we to be informed?

At any event, the matter seems to be important enough to have been brought to our attention. Particularly, since you felt it is important enough to bring it to applicant's attention.

Sincerely,

WILLIAM J. GUSTE, JR.
Attorney General

By: 

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