

50-458



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

June 8, 1995

Mr. John R. McGaha, Jr.
Vice President Operations
Entergy Operations, Inc.
River Bend Station
P. O. Box 220
St. Francisville, LA 70775

SUBJECT: RIVER BEND STATION, UNIT 1 - AMENDMENT NO. 79 TO FACILITY OPERATING
LICENSE NO. NPF-47 (TAC NO. M91837)

Dear Mr. McGaha:

The Nuclear Regulatory Commission has issued the enclosed Amendment No. 79 to Facility Operating License No. NPF-47 for the River Bend Station, Unit 1. The amendment consists of changes to the license in response to your application dated January 13, 1993, as supplemented by letter dated June 29, 1993.

The amendment revises the River Bend Station, Unit 1 operating license to include as a licensee, Entergy Operations, Inc. (EOI), and to authorize EOI to use and operate River Bend and to possess and use related licensed nuclear materials.

This amendment was originally issued as License Amendment No. 70 on December 16, 1993, subject to NRC approval granted by Order Approving Transfer of License also dated December 16, 1993. By order dated March 14, 1995, the Court of Appeals for the D.C. Circuit ordered that the two orders for 1) the merger of Gulf States Utilities and Entergy and 2) the operation of River Bend Station by EOI be vacated and the case remanded to the NRC. Pursuant to the remand, the NRC reexamined the issue of whether the merger of GSU with Entergy or operation by EOI would create or maintain a situation inconsistent with the antitrust laws. The NRC published its finding of no significant antitrust change and performed a reevaluation after receiving two requests to reevaluate its finding. As explained in the enclosed supplemental safety evaluation, the NRC's reevaluation in response to the two requests resulted in the NRC's reaffirming its earlier finding of no significant antitrust change.

The safety evaluation enclosed is the same as issued for License Amendment No. 70 even though some matters, unrelated to the remand, have since been appropriately dispositioned by the licensees. The supplemental safety evaluation, also enclosed, updates the safety evaluation on those matters remanded by the D.C. Circuit Court. Taken together, the safety evaluation and supplemental safety evaluation provide the NRC's basis for reissuance of the license amendment. The orders are identical to those previously issued except that the language in the final sentence of the original order relating to the completion of the merger has been removed, as the merger has already taken place. The order enclosed is effective immediately.

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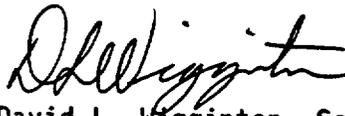
Mr. John R. McGaha

- 2 -

The transfer of any right under the operating license is subject to NRC approval pursuant to 10 CFR 50.80(a). Such approval is given in the enclosed Order Approving Transfer of License, which is being forwarded to the Office of the Federal Register for publication.

A copy of our Safety Evaluation and Supplemental Safety Evaluation are also enclosed. Notice of Issuance will be included in the Commission's biweekly Federal Register notice.

Sincerely,



David L. Wigginton, Senior Project Manager
Project Directorate IV-1
Division of Reactor Projects III/IV
Office of Nuclear Reactor Regulation

Docket No. 50-458

Enclosures: 1. Amendment No. 79 to NPF-47
2. Safety Evaluation
3. Supplemental Safety Evaluation
4. Order

cc w/encls: See next page

Mr. John R. McGaha

- 2 -

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Original signed by:

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DISTRIBUTION:

Docket File	PNoonan	
PUBLIC	DWigginton	OPA
PDIV-1 R/F	WLambe	OC/LFDCB
EAdensam	OGC	ABeach, RIV
WBeckner	GHill (2)	LHurley, RIV
	CGrimes	ACRS (4)

Document Name: RB70.AMD *DW 6/8/95* *See previous concurrence

OFC	LA:PC4-1	PM:PD4-1 <i>WDR</i>	ADAR/PDLR*	OGC*	D:PD4-1 <i>WDB</i>
NAME	<i>PN</i> PNoonan	DWigginton:mk	WLambe	APHodgdon	WBeckner
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OFC	(A)D:DRPW	ADPR	D:NRR <i>WDR</i>
NAME	<i>EAD</i> EAdensam	<i>RZ</i> RZ Timmerman	WRussett
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Mr. John R. McGaha

- 2 -

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Document Name: RB70.AMD *DW 6/8/95* *See previous concurrence

OFC	LA:PD4-1	PM:PD4-1 <i>YWC</i>	ADAR/PDLR*	OGC*	D:PD4-1 <i>wab</i>
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OFC	(A)D:DRPW	ADPR	D:NRR
	EAdensam	RZimmerman	WRussell
DATE	6/11/95	6/11/95	6/8/95
COPY	YES/NO	YES/NO	YES/NO

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Mr. John R. McGaha
Entergy Operations, Inc.

River Bend Station

cc:

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Administrator
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Baton Rouge, LA 770884-2135

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Attn: Robert B. McGehee, Esq.
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Jackson, MS 39205



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

GULF STATES UTILITIES COMPANY**

CAJUN ELECTRIC POWER COOPERATIVE

DOCKET NO. 50-458

RIVER BEND STATION, UNIT 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 79
License No. NPF-47

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Gulf States Utilities* dated January 13, 1993, as supplemented by letter dated June 29, 1993, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, as amended, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance: (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of this license amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.
2. Accordingly, Facility Operating License No. NPF-47 is hereby amended to read as follows:

* Gulf States Utilities Company under the present license is authorized to act as agent for Cajun Electric Power Cooperative and has exclusive responsibility and control over the physical construction, operation and maintenance of the facility.

** Gulf States Utilities Company, which owns a 70 percent undivided interest in River Bend, has merged with a wholly owned subsidiary of Entergy Corporation. Gulf States Utilities Company was the surviving company in the merger.

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- (a) The Title on page 1 of the license shall read:

Gulf States Utilities Company.
Cajun Electric Power Cooperative and
Entergy Operations, Inc.
Docket No. 50-458
River Bend Station, Unit 1
Facility Operating License

- (b) Paragraph 1.E of the license shall read:

Entergy Operations Inc. (EOI) is technically qualified to engage in the activities authorized by this operating license in accordance with the Commission's regulations set forth in 10 CFR Chapter I:

- (c) Footnote * on page 1 of the license shall read:

*EOI is authorized to act as agent for Gulf States Utilities Company, which has been authorized to act as agent for Cajun Electric Power Cooperative, and has exclusive responsibility and control over the physical construction, operation and maintenance of the facility.

- (d) Paragraph I.F of the license shall read:

Gulf States Utilities Company, Cajun Electric Power Cooperative, and EOI have satisfied the applicable provisions of 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements," of the Commission's regulations;

- (e) Paragraph 2 of the license shall read:

Based on the foregoing findings and approval by the Nuclear Regulatory Commission at a meeting on November 15, 1985, the License for Fuel Loading and Low Power Testing, License No. NPF-40, Issued on August 29, 1985, is superseded by Facility Operating License NPF-47 hereby issued to EOI, Gulf States Utilities Company and Cajun Electric Power Cooperative (the licensees), to read as follows:

- (f) Paragraph 2.A of the license shall read:

This license applies to the River Bend Station, Unit 1, a boiling water nuclear reactor and associated equipment, owned by Gulf States Utilities Company and Cajun Electric Power Cooperative and operated by EOI. The facility is located approximately 2 miles east of the Mississippi River in West Feliciana Parish, Louisiana, approximately 2.7 miles southeast of St. Francisville, Louisiana and approximately 18 miles northwest of the city limits of Baton Rouge, Louisiana, and is

described in the "Final Safety Analysis Report," as supplemented and amended, and in the Environmental Report-Operating License Stage, as supplemented and amended.

- (g) Paragraph 2.B.(2) of the license shall read:

EOI, pursuant to Section 103 of the Act and 10 CFR Part 50, to possess, use and operate the facility at the above designated location in accordance with the procedures and limitations set forth in this license;

- (h) Paragraphs 2.B.(3), 2.B.(4), 2.B.(5), 2.B.(6), 2.C.(1), and 2.C.(2) shall each be modified by substituting "EOI" for "GSU" wherever the latter appears.

- (i) Paragraph 2.C.(3) of the license shall read:

Antitrust Conditions

- a. GSU shall comply with the antitrust license conditions set forth in Appendix C, attached hereto which is hereby incorporated in this license.
- b. EOI shall not market or broker power or energy from River Bend Station, Unit 1. GSU is responsible and accountable for the actions of its agent, EOI, to the extent said agent's actions affect the marketing or brokering of power or energy from River Bend Station, Unit 1 and, in any way, contravene the antitrust conditions of this paragraph or Appendix C of this license.
- (j) Paragraphs 2.C.(4) and 2.C.(5) shall be modified by substituting "EOI" for "GSU" wherever the latter appears.
- (k) Paragraph 2.C.(5)b. of the license shall read:
- b. Prior to startup following the first refueling outage, GSU* shall furnish the outstanding information identified in Appendix K of SSER 2 addressing the Mark III containment related issues.

- (l) Footnote * on page 4 of the license shall read:

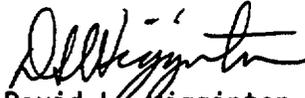
*The original licensee authorized to possess, use and operate the facility was GSU. Consequently, historical references to certain obligations of GSU remain in the license conditions.

- (m) Paragraphs 2.C.(8), 2.C.(10), 2.C.(11), 2.C.(14), 2.C.(15), 2.D, and 2.E shall be modified by substituting "EOI" for "GSU" wherever the latter appears.

(n) The last page of the license shall be marked "Revised:
December 16, 1993."

3. This license amendment is effective as of its date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



David L. Wigginton, Senior Project Manager
Project Directorate IV-1
Division of Reactor Projects III/IV
Office of Nuclear Reactor Regulation

Attachment: Facility Operating
License No. NPF-47

Date of Issuance: June 8, 1995

ATTACHMENT TO LICENSE AMENDMENT NO. 79

FACILITY OPERATING LICENSE NO. NPF-47

DOCKET NO. 50-458

Replace the following pages of the License with the attached pages. The revised pages contain vertical lines indicating the areas of change.

Remove Page

Insert Page

1
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8

Replace Attachments 2, 3, 4, and 5 to License No. NPF-47 in their entirety.

Replace cover page of Appendix B - Environmental Protection Plan.



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

GULF STATES UTILITIES COMPANY**

CAJUN ELECTRIC POWER COOPERATIVE AND

ENTERGY OPERATIONS, INC.

DOCKET NO. 50-458

RIVER BEND STATION, UNIT 1

FACILITY OPERATING LICENSE

License No. NPF-47

1. The Nuclear Regulatory Commission (the Commission or the NRC) has found that:
 - A. The application for license filed by Gulf States Utilities Company, acting on behalf of itself and Cajun Electric Power Cooperative, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations set forth in 10 CFR Chapter I, and all required notifications to other agencies or bodies have been duly made;
 - B. Construction of the River Bend Station, Unit 1 (the facility) has been substantially completed in conformity with Construction Permit No. CPPR-145 and the application, as amended, the provisions of the Act and the regulations of the Commission;
 - C. The facility will operate in conformity with the application, as amended, the provisions of the Act, and the regulations of the Commission;
 - D. There is reasonable assurance: (i) that the activities authorized by this operating license can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations set forth in 10 CFR Chapter I;
 - E. Entergy Operations, Inc.* (EOI) is technically qualified to engage in the activities authorized by this operating license in accordance with the Commission's regulations set forth in 10 CFR Chapter I;

* EOI is authorized to act as agent for Gulf States Utilities Company, which has been authorized to act as agent for Cajun Electric Power Cooperative, and has exclusive responsibility and control over the physical construction, operation and maintenance of the facility.

**Gulf States Utilities Company, which owns a 70 percent undivided interest in River Bend, has merged-with a wholly owned subsidiary of Entergy Corporation. Gulf States Utilities Company was the surviving company in the merger.

- F. Gulf States Utilities Company, Cajun Electric Power Cooperative, and EOI have satisfied the applicable provisions of 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements," of the Commission's regulations;
 - G. The issuance of this license will not be inimical to the common defense and security or to the health and safety of the public;
 - H. After weighing the environmental, economic, technical, and other benefits of the facility against environmental and other costs and considering available alternatives, the issuance of Facility Operating License No. NPF-47, subject to the conditions for protection of the environment set forth herein, is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied; and
 - I. The receipt, possession, and use of source, byproduct and special nuclear material as authorized by this license will be in accordance with the Commission's regulations in 10 CFR Parts 30, 40 and 70.
2. Based on the foregoing findings and approval by the Nuclear Regulatory Commission at a meeting on November 15, 1985, the License for Fuel Loading and Low Power Testing, License No. NPF-40, issued on August 29, 1985, is superseded by Facility Operating License NPF-47 hereby issued to EOI, Gulf States Utilities Company and Cajun Electric Power Cooperative (the licensees), to read as follows:
- A. This license applies to the River Bend Station, Unit 1, a boiling water nuclear reactor and associated equipment, owned by Gulf States Utilities Company and Cajun Electric Power Cooperative and operated by EOI. The facility is located approximately 2 miles east of the Mississippi River in West Feliciana Parish, Louisiana, approximately 2.7 miles southeast of St. Francisville, Louisiana and approximately 18 miles northwest of the city limits of Baton Rouge, Louisiana, and is described in the "Final Safety Analysis Report, as supplemented and amended, and in the Environmental Report-Operating License Stage, as supplemented and amended.
 - B. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses:
 - (1) Gulf States Utilities Company (GSU) and Cajun Electric Power Cooperative to possess the facility at the designated location in West Feliciana Parish, Louisiana, in accordance with the procedures and limitations set forth in this license;
 - (2) EOI, pursuant to Section 103 of the Act and 10 CFR Part 50, to possess, use and operate the facility at the above designated location in accordance with the procedures and limitations set forth in this license;

- (3) EOI, pursuant to the Act and 10 CFR Part 70, to receive, possess and to use at any time special nuclear material as reactor fuel, in accordance with the limitations for storage and amounts required for reactor operation, as described in the Final Safety Analysis Report, as supplemented and amended;
- (4) EOI, pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess, and use at any time any byproduct, source and special nuclear material as sealed neutron sources for reactor startup, sealed sources for reactor instrumentation and radiation monitoring equipment calibration, and as fission detectors in amounts as required;
- (5) EOI, pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess, and use in amounts as required any byproduct, source or special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration or associated with radioactive apparatus or components; and
- (6) EOI, pursuant to the Act and 10 CFR Parts 30, 40 and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility.

C. This license shall be deemed to contain and is subject to the conditions specified in the Commission's regulations set forth in 10 CFR Chapter I and is subject to all applicable provisions of the Act and to the rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) Maximum Power Level

EOI is authorized to operate the facility at reactor core power levels not in excess of 2894 megawatts thermal (100% rated power) in accordance with the conditions specified herein. The items identified in Attachment 1 to this license shall be completed as specified. Attachment 1 is hereby incorporated into this license.

(2) Technical Specifications and Environmental Protection Plan

The Technical Specifications contained in Appendix A, as revised through Amendment No. 70 and the Environmental Protection Plan contained in Appendix B, are hereby incorporated in the license. EOI shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

(3) Antitrust Conditions

- a. GSU shall comply with the antitrust conditions in Appendix C, attached hereto, which is hereby incorporated in this license.
- b. EOI shall not market or broker power or energy from River Bend Station, Unit 1. GSU is responsible and accountable for the actions of its agent, EOI, to the extent said agent's actions affect the marketing or brokering of power or energy from River Bend Station, Unit 1 and, in any way, contravene the antitrust conditions of this paragraph or Appendix C of this license.

(4) Seismic and Dynamic Qualification of Seismic Category 1 Mechanical and Electrical Equipment (Section 3.10. SER and SSER 3)

EOI shall complete the requirements of the seismic and dynamic qualification of mechanical and electrical equipment as specified in Attachment 2. Attachment 2 is hereby incorporated into this license.

(5) Mark III Related Issues (Section 6.2.1.9. SER and SSER 2)

- a. EOI shall not use the residual heat removal system in the steam condensing mode without prior written approval of the staff.
- b. Prior to startup following the first refueling outage, GSU* shall furnish the outstanding information identified in Appendix K of SSER 2 addressing the Mark III containment related issues.

(6) Inservice Inspection Program (Section 5.2.4.3 and 6.6.3. SER and SSER 3)

GSU shall submit the inservice inspection program for NRC staff review and approval by September 1, 1986.

*The original licensee authorized to possess, use and operate the facility was GSU. Consequently, historical references to certain obligations of GSU remain in the license conditions.

(7) Bypassed and Inoperable Status Indication (Section 7.5.2.2. SER and SSER 3)

Prior to startup following the first refueling outage, GSU shall implement design modifications to improve the capabilities of existing bypassed and inoperable status indication used to monitor the status of safety related systems. The specific design changes to be implemented are identified in a GSU letter dated December 3, 1984 as clarified in a GSU letter dated March 5, 1985.

(8) TDI Diesel Engines (Section 8.3.1. SSER 3)

EOI shall implement the TDI diesel requirements as specified in Attachment 3. Attachment 3 is hereby incorporated into this license.

(9) Ultimate Heat Sink (Section 9.2.5. SER and SSER 3)

Prior to startup following the first refueling outage GSU shall have installed and operational in the ultimate heat sink a permanent temperature monitoring system acceptable to the NRC staff and Technical Specification modifications as required.

(10) Fire Protection (Section 9.5.1. SER and SSER 3)

EOI shall comply with the requirements of the fire protection program as specified in Attachment 4. Attachment 4 is hereby incorporated into this license.

(11) Operating Staff Experience Requirements (Section 13.1.2.1. SSER 2)

EOI shall have a licensed senior operator on each shift, while in Operating Condition 1, 2 and 3, who has had at least six months of hot operating experience on a plant comparable to River Bend Station, including at least six weeks at power levels greater than 20% of full power, and who has had startup and shutdown experience.

(12) Post-Fuel-Loading Initial Test Program (Section 14. SER and SSER 3)

Any changes to the initial test program described in Section 14 of the FSAR made in accordance with the provisions of 10 CFR 50.59 shall be reported in accordance with 50.59(b) within one month of such change.

(13) Partial Feedwater Heating (Section 15.1. SER)

The facility shall not be operated with partial feedwater heating beyond the end of the normal fuel cycle without prior written approval of the staff. During the normal fuel cycle, the facility shall not be operated with a feedwater heating capacity which would result in a rated thermal power feedwater temperature less than 320°F without prior written approval of the staff.

(14) Emergency Response Capabilities (Generic Letter 82-33. Supplement 1 to NUREG-0737. Section 7.5.2.4. SER and SSER 3. Section 18. SER. SSER 2 and SSER 3)

EOI shall complete the requirements of NUREG-0737 Supplement #1 as specified in Attachment 5. Attachment 5 is hereby incorporated into this license.

(15) Salem ATWS Event. Generic Letter 83-28 (Section 7.2.2.5. SSER 3)

EOI shall submit responses to and implement the requirements of Generic Letter 83-28 on a schedule which is consistent with that given in its letters dated August 3, 1984 and May 20, 1985.

(16) Merger Related Reports

GSU shall inform the Director, NRR:

- a. Sixty days prior to a transfer (excluding grants of security interests or liens) from GSU to Entergy or any other entity of facilities for the production, transmission or distribution of electric energy having a depreciated book value exceeding one percent (1%) of GSU's consolidated net utility plant, as recorded on GSU's books of account.
- b. Of an award of damages in litigation initiated against GSU by Cajun Electric Power Cooperative regarding River Bend within 30 days of the award.

- D. EOI shall fully implement and maintain in effect all provisions of the Commission-approved physical security, guard training and qualification, and safeguards contingency plans including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822) and to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The plans, which contain Safeguards Information protected under 10 CFR 73.21, are entitled: "River Bend Physical Security Plan," with revisions

submitted through November 6, 1987; "River Bend Station Guard Training and Qualification Plan," with revisions submitted through December 16, 1986; and "River Bend Station Safeguards Contingency Plan," with revisions submitted through January 27, 1987. Changes made in accordance with 10 CFR 73.55 shall be implemented in accordance with the schedule set forth therein.

- E. Except as otherwise provided in the Technical Specifications or Environmental Protection Plan, EOI shall report any violations of the requirements contained in Section 2.C of this license in the following manner: initial notification shall be made within 24 hours to the NRC Operations Center via the Emergency Notification System with written followup within thirty days in accordance with the procedures described in 10 CFR 50.73(b), (c), and (e).
- F. The licensees shall have and maintain financial protection of such type and in such amounts as the Commission shall require in accordance with Section 170 of the Atomic Energy Act of 1954, as amended, to cover public liability claims.
- G. This license is effective as of the date of issuance and shall expire at midnight on August 29, 2025.

FOR THE NUCLEAR REGULATORY COMMISSION

Original Signed By

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

Enclosures:

- 1. Attachments 1-5
- 2. Appendix A - Technical Specifications (NUREG-1172)
- 3. Appendix B - Environmental Protection Plan
- 4. Appendix C - Antitrust Conditions

Date of Issuance: November 20, 1985

Revised: December 16, 1993

ATTACHMENT 2

TO NPF-47

SEISMIC AND DYNAMIC QUALIFICATION OF SEISMIC CATEGORY 1 MECHANICAL AND
ELECTRICAL EQUIPMENT

EOI shall complete the following requirements for seismic and dynamic qualification on the schedule noted below: |

1. EOI shall complete the seismic qualification of the in-vessel rack prior to its use. |

ATTACHMENT 3
TO NPF-47
TDI DIESEL ENGINES REQUIREMENTS

EOI shall comply with the following requirements related to the TDI diesel engines.

1. Change to the maintenance and surveillance program for the TDI diesel engines, as identified and approved by the NRC staff in Supplement 3 to the SER, shall be subject to the provisions of 10 CFR 50.59.

The frequency of the major engine overhauls referred to in the license conditions below shall be consistent with Section IV.I, "Overhaul frequency" in revision 2 of Appendix II of the Design Review/Quality Revalidation report which was transmitted by letter dated May 1, 1986, from J. George, Owners Group, to H. Denton, NRC.

2. Crankshafts shall be inspected as follows:

SD 1B: During the first refueling outage, inspect the fillets and oil holes of the three most heavily loaded crankpin journals (Nos. 5, 6, and 7) with florescent liquid penetrant and ET as appropriate.

SD 1A and 1B: During the second and third refueling outages, inspect the fillets and oil holes of two of the three most heavily loaded crankpin journals in the manner just mentioned.

SD 1A and 1B: At approximate 5 year intervals subsequent to the third refueling outage, inspect the fillets and oil holes using florescent liquid penetrant and ET as appropriate, of the: a) three most heavily loaded crankpin journals (Nos. 5, 6, and 7), and b) main journals located between crankpin journals 5, 6, and 7. One engine may be inspected at the refueling outage closest to 5 years, and the other engine at the next refueling outage.

If cracks are found during inspections of crankshafts, this condition shall be reported promptly to the NRC staff and the affected engine shall be considered inoperable. The engine shall not be restored to "operable status" until the proposed disposition and/or corrective actions have been approved by the NRC staff.

3. Cylinder blocks shall be inspected for "ligament" cracks, "stud-to-stud" cracks and "stud-to-end" cracks as defined in a report* by Failure Analysis Associates, Inc. (FaAA) entitled, "Design Review of TDI R-4 and RV-4 Series Emergency Diesel Generator Cylinder Blocks" (FaAA report no. FaAA-84-9-11.1) and dated December 1984. (Noted that the FaAA report specifies additional inspections to be performed for blocks with "known"

*This report was transmitted to H. Denton, NRC, from C. L. Ray, Jr., TDI Owners Group, by letter dated December 11, 1984.

or "assumed" ligament cracks). The inspection intervals (i.e., frequency) shall not exceed the intervals calculated using the cumulative damage index model in the subject FaAA report. In addition, inspection method shall be consistent with or equivalent to those identified in the subject FaAA report.

In addition to inspections specified in the aforementioned FaAA report, blocks with "known" or assumed ligament cracks" (as defined in the FaAA report) should be inspected at each refueling outage to determine whether or not cracks have initiated on the top surface exposed by the removal of two or more cylinder heads. This process should be repeated over several refueling outages until the entire block top has been inspected. Liquid penetrant testing or a similarly sensitive nondestructive testing technique should be used to detect cracking, and eddy current should be used as appropriate to determine the depth of any cracks discovered.

If inspection reveals cracks in the cylinder blocks between stud holes-of adjacent cylinders ("stud-to-stud" cracks) or "stud-to-end" cracks, this condition shall be reported promptly to the NRC staff and the affected engine shall be considered inoperable. The engine shall not be restored to "operable status" until the proposed disposition and/or corrective actions have been approved by the NRC staff.

4. The following air roll test shall be performed as specified below, except when the plant is already in an Action Statement of Technical Specification 3/4.8.1, "Electric Power Systems, A.C. Sources":

The engines shall be rolled over with the airstart system and with the cylinder stopcocks open prior to each planned start, unless the start occurs within 4 hours of a shutdown. The engines shall also be rolled over with the airstart system and with the cylinder stopcocks open after 4 hours, but no more than 8 hours, after engine shutdown and then rolled over once again approximately 24 hours after each shutdown. (In the event an engine is removed from service for any reason other than the rolling over procedure prior to expiration of the 8-hour or 24-hour periods noted above, that engine need not be rolled over while it is out of service. The licensee shall air roll-the engine over with the stopcocks open at the time it is returned to service.) The origin of any water detected in the cylinder must be determined and any cylinder head which leaks due to a crack shall be replaced. The above air roll test may be discontinued following the first refueling outage subject to the following conditions:

- All cylinder heads are Group III heads (i.e., cast after September 1980).
- Quality revalidation inspections, as identified in the Design Review/Quality Revalidation report, have been completed for all cylinder heads.

- Group III heads continue to demonstrate leak free performance. This should be confirmed with TDI before air roll tests are discontinued.
5. The following actions are required if SD 1A or SD 1B is operated in excess of 3130 KW⁽¹⁾:
- a) For indicated engine loads in the range of 3130 KW to 3200 KW for a period less than two hours⁽²⁾, no additional action shall be required.
 - b) For indicated engine loads in the range of 3130 KW to 3200 KW for a period equal to or exceeding two hours⁽²⁾, a crankshaft inspection pursuant to Item d below shall be performed at the next refueling outage.
 - c) For indicated engine loads in the range of 3200 KW to 3500 KW for a period less than 1 hour⁽²⁾, a crankshaft inspection pursuant to item d below shall be performed for the affected engine at the next refueling outage.
 - d) for indicated engine loads in the range of 3200 KW to 3500 KW for periods equal to or exceeding one hour⁽²⁾ and for engine loads exceeding 3500 KW for any period of time, (1) the engine shall be removed from service as soon as safely possible, (2) the engine shall be declared inoperable, and (3) the crankshaft shall be inspected. The crankshaft inspection shall include crankpin journal numbers 5, 6, and 7 (the most heavily loaded) and the two main journals in between using florescent liquid penetrant and eddy current as appropriate.
6. Periodic inspections of the turbochargers shall include the following:
- The turbocharger thrust bearings should be visually inspected for excessive wear after 40 non-prelubed starts since the previous visual inspection.
 - Turbocharger rotor axial clearance should be measured at each refueling outage to verify compliance with TDI/Elliott specifications. In addition, thrust bearing measurements should be compared with measurements taken previously to determine a need for further inspection or corrective action.

(1) Momentary transients (not exceeding 5 seconds) due to changing of bus loads need not be considered as an overload.

(2) If there are multiple overload events within a given load range since the previous crankshaft inspection, then the time period criterion applies to the total accumulated time in that load range.

- Spectrographic and ferrographic engine oil analysis shall be performed quarterly to provide early evidence of bearing degradation. Particular attention should be paid to copper level and particulate size, which could signify thrust bearing degradation.
 - The nozzle ring components and inlet guide vanes should be visually inspected at each refueling outage for missing parts or parts showing distress on a one-turbocharger-per-refueling-outage basis. In addition, these inspections should be performed for all turbochargers at each turbocharger overhaul (i.e., at approximately 5-year intervals). If any missing parts or distress is noted, the entire ring assembly should be replaced and the subject turbocharger should be reinspected at the next refueling outage.
7. Operation beyond the first refueling outage is subject to NRC staff approval based on the staff's final review of the Owners Group generic findings and of the overall design review and quality revalidation program at River Bend.

ATTACHMENT 4
TO NPF-47
FIRE PROTECTION PROGRAM REQUIREMENTS

EOI shall comply with the following requirements of the fire protection program:

1. EOI shall implement and maintain in effect all provisions of the approved fire protection program as described in the Final Safety Analysis Report for the facility through Amendment 22 and as approved in the SER dated May 1984 and Supplement 3 dated August 1985 subject to provisions 2 and 3 below.
2. EOI may make no change to the approved fire protection program which would significantly decrease the level of fire protection in the plant without prior approval of the Commission. To make such a change EOI must submit an application for license amendment pursuant to 10 CFR 50.90.
3. EOI may make changes to features of the approved fire protection program which do not significantly decrease the level of fire protection without prior Commission approval provided (a) such changes do not otherwise involve a change in a license condition or technical specification or result in an unreviewed safety question (see 10 CFR 50.59), and (b) such changes do not result in failure to complete the fire protection program approved by the Commission prior to license issuance. EOI shall maintain, in an auditable form, a current record of all such changes, including an analysis of the effects of the change on the fire protection program, and shall make such records available to NRC inspectors upon request. All changes to the approved program shall be reported to the Director of the Office of Nuclear Reactor Regulation, along with the FSAR revisions required by 10 CFR 50.71(e).

ATTACHMENT 5

TO NPF-47

EMERGENCY RESPONSE CAPABILITIES

EOI shall complete the following requirements of NUREG-0737 Supplement No. 1 |
on the schedule noted below:

1. Actions and schedules for correcting all human engineering discrepancies (HEDs) identified in the "Detailed Control Room Design Review Summary Report" dated October 31, 1984 and Supplements dated May 14, June 12, 1985, and July 31, 1985, shall be implemented in accordance with the schedule committed to by GSU in the summary report and supplements and accepted by the NRC staff in Section 18.1 of SSER 3.
2. Prior to startup following the first refueling outage, GSU shall implement modifications (installation or upgrade) for those items listed below consistent with the guidance of Regulatory Guide 1.97, Revision 2 unless prior approval of an alternate design of these items is granted by the NRC staff. These items as listed in GSU's letter of June 24, 1985 are:
 - a) coolant level in the reactor;
 - b) suppression pool water level;
 - c) drywell atmosphere temperature;
 - d) primary system safety relief valve position;
 - e) standby liquid control system storage tank level;
 - f) emergency ventilation damper position; and
 - g) airborne radiohalogens and particulates.
3. EOI shall implement modifications (installations or upgrade) for |
neutron flux monitoring consistent with the guidance of Regulatory Guide 1.97, Revision 2 or the NRC Staff's Safety Evaluation Report of the BWR Owners Group Licensing Topical Report (NEDO-31558, Position on NRC Regulatory Guide 1.97, Revision 3, Requirements for Post-Accident Neutron Monitoring System). Modifications, if required, shall be completed before restart from the next refueling outage starting after 18 months from the date of receipt of the NRC Staff Evaluation Report on NEDO-31558, but no later than startup from refueling outage No. 4 unless otherwise notified in writing by the NRC staff.

APPENDIX B

TO FACILITY OPERATING LICENSE NO. NPF-47

RIVER BEND STATION

UNIT 1

ENERGY OPERATIONS, INC.

DOCKET NO. 50-458

ENVIRONMENTAL PROTECTION PLAN

(NONRADIOLOGICAL)



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 79 TO FACILITY OPERATING LICENSE NO. NPF-47

GULF STATES UTILITIES

CAJUN ELECTRIC POWER COOPERATIVE

RIVER BEND STATION, UNIT 1

DOCKET NO. 50-458

1.0 INTRODUCTION

By letter dated January 13, 1993, as supplemented by letter dated June 29, 1993, Gulf States Utilities (GSU) requested an amendment to Facility Operating License No. NPF-47 for River Bend Station, Unit 1 (River Bend). The proposed amendment involves a change in the River Bend managing agent from Gulf States Utilities to Entergy Operations, Inc. (EOI), a wholly-owned subsidiary of Entergy Corporation (Entergy). The ownership of GSU will also be transferred to Entergy resulting in GSU becoming a wholly-owned subsidiary of Entergy. A separate license amendment has been proposed to accomplish the ownership transfer.

2.0 DISCUSSION

River Bend is a nuclear powered electric generating facility which is being operated on behalf of the owners, GSU and Cajun Electric Power Cooperative Inc. (Cajun), pursuant to a Joint Ownership Participation and Operating Agreement (JOPOA), submitted to the NRC by letter dated October 26, 1979. In accordance with the JOPOA, GSU, an electric utility, has acted as the managing agent for the co-owners, with responsibility for management, operation, and maintenance of River Bend. This position has been recognized in the operating license.

In June 1992, GSU and Entergy entered into an agreement providing for the combination of the businesses of their companies. In accordance with the merger plan, GSU, following the merger, will continue to operate as an electric utility, but as a subsidiary of a new holding company to be named Entergy Corporation with its electric operations fully integrated with those of the Entergy System. Upon consummation of the proposed business combination and subject to the receipt of all necessary approvals, EOI, on behalf of the owners, could assume operational and managerial responsibility for River Bend. Consummation of the proposed merger between GSU and Entergy would occur prior to and would be a condition precedent to the effectiveness of the amendment to the River Bend operating license as proposed.

EOI's agency responsibilities and the limitations on EOI's agency authority with respect to the operation and maintenance of River Bend will be set forth in an operating agreement between EOI and GSU substantially identical to the existing operating agreements between EOI and the owners of the Entergy System's nuclear facilities. EOI would assume operational and managerial responsibility for River Bend as agent for GSU and would be solely responsible for the safe operation of River Bend. The operating agreement will be subject to the rights of GSU and Cajun under the JOPOA.

Upon consummation of these arrangements and subject to the Reorganization Agreement, substantially all employees of GSU who are presently dedicated to the operation of River Bend (approximately 890 persons) will be transferred to and become employees of EOI. The EOI-GSU operating agreement will not affect the ownership of River Bend, EOI's services thereunder will be provided at cost, and GSU will retain control over EOI's spending and contracting authority and, pursuant to the JOPOA, continue to provide its allocable share of the funds required for the operation, maintenance and decommissioning of River Bend.

In addition, EOI and GSU propose to enter into a related Support Agreement and a Switchyard and Transmission Interface Agreement. Under these agreements, GSU will provide to EOI (1) necessary personnel, supplies and services to support the operation of River Bend and (2) access to and necessary control over the switchyard facilities at River Bend and necessary personnel, supplies, and services pertaining to the operation and maintenance of the associated transmission equipment.

EOI and GSU contemplate that this transition will be initially accomplished by transferring to EOI the existing GSU nuclear personnel with virtually no organizational changes or disruption. In the near term, there will be no organizational or physical location changes to the existing dedicated organization, which includes the engineering, maintenance, quality assurance, and licensing organizations supporting River Bend, as a result of the transfer of operating authority to EOI. This will achieve continuity in the management of River Bend by allowing EOI to initially assume the role of operator with the same staff that the NRC has previously evaluated and approved in connection with the technical qualifications of GSU. The longer term consolidation of the GSU nuclear organization into EOI will be an evolutionary process. EOI has committed to keep the NRC informed of organizational changes, as appropriate.

3.0 EVALUATION

The staff, in making its evaluation, has applied the criteria and review areas required by 10 CFR 50.80 "Transfer of Licenses" as appropriate. The review of the transfer of operation of the facility from GSU to EOI was simplified by the fact that the GSU personnel currently acting in all areas as nuclear operations personnel will transfer to EOI.

Management and Technical Qualifications

In its application dated January 13, 1993, GSU stated that a change in the River Bend managing agent will not result in changes to the station's technical support organization. GSU has stated that the present River Bend organization, the Oversight organization, the Business Systems organization, and the Engineering and Administration organization will be transferred essentially intact from GSU to EOI, subject to the terms of the Reorganization Agreement. The technical qualifications of the proposed River Bend organization, therefore, will be at least equivalent to those of the existing organization.

The only change in the proposed River Bend organization is that the senior nuclear executive will report directly to the President and Chief Executive Officer of EOI. EOI, as an operating company for multiple reactors, has a large repository of system nuclear operating expertise and experience. Consolidation of this talent will permit application of expertise in certain specialized areas at River Bend. Integration of River Bend into the EOI organization will also allow more effective communication and use of EOI nuclear operating experience. EOI, with its expanded responsibilities, will also provide a broader base for management candidates experienced in nuclear generation and will provide greater opportunity to attract and retain highly qualified employees.

Acceptance of this change in managing agent is based on the proposed managing agent, EOI, being technically qualified to operate the plant and having the necessary managerial and technical resources to provide assistance to the plant staff during normal and off-normal conditions, and in the event of an emergency.

Based on its review of information given in the amendment request the staff has determined that:

- (1) The corporate and plant organizational structure and functions for operation and technical support of River Bend Station are acceptable.
- (2) The organizational structure described in the amendment request provides for the integrated management of activities that support the operations of River Bend.
- (3) The management controls, lines of authority, and channels of communication between the organizational units involved in the management, operation, and technical support for River Bend are acceptable.

These findings support the staff's determination that the proposed managing agent, EOI, will have the necessary managerial and technical resources to provide assistance to River Bend staff during normal and off-normal conditions, including an emergency, as specified in Section 13.1.1 of NUREG-0800, "Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants"

(SRP). Moreover, since all GSU nuclear employees will become EOI employees, the staff concludes that the operating organization is acceptable as specified in SRP Section 13.1.2 - 13.1.3.

Financial Considerations

EOI is a wholly-owned subsidiary of Entergy, Inc. (Entergy). EOI is responsible for operating Entergy's nuclear plants that it owns through three utility subsidiaries: Arkansas Power and Light Company, Louisiana Power and Light Company, and Mississippi Power and Light Company. Because EOI operates plants for these subsidiaries, but neither owns nor uses power from these plants, EOI has no substantial assets of its own. EOI receives payment for operating the Entergy nuclear plants through agreements with Entergy's utility subsidiaries. These agreements obligate the utility subsidiaries to pay the operating and capital costs associated with the nuclear plants. A similar arrangement would be instituted between EOI and GSU when Entergy and GSU complete their merger.

Because of the EOI/GSU operating agreement, the financial qualifications of EOI are dependent on GSU's and Cajun's continued ability to pay operating expenses for River Bend as they are currently doing. As such, there are no financial considerations from the proposed transfer of operating responsibility for River Bend beyond those that would pertain to GSU had it kept such operating responsibility.

Antitrust Considerations

EOI will not acquire any ownership interest in River Bend or the energy provided by River Bend. In addition, the licensee has proposed in its June 29, 1993, letter a license condition stating that EOI will not be involved in the marketing or brokering of power or energy from River Bend. Therefore, this amendment raises no issue with respect to antitrust considerations.

Restricted Data

The application for amendment does not contain any restricted data or other defense information, and GSU does not expect that any such information will become involved in the licensed activities. However, GSU has committed and EOI agrees that, should such information become involved, it will safeguard any such information and limit access to it until the Office of Personnel Management can investigate, report to the NRC, and NRC approve or disapprove access of individuals to restricted data. The staff finds this to be acceptable and in accordance with the requirements of 10 CFR 50.37.

Offsite Power

In its application for amendment, GSU has stated there will be no change in the arrangements to provide offsite power to the plant as a result of the change in operational control requested by the application. GSU has committed to providing offsite power for River Bend. Procedures and agreements will provide

for the continuation of current arrangements for the operation and maintenance of the switchyard for River Bend and associated transmission facilities. The agreements will also specify that GSU will coordinate with EOI all activities which will directly affect power supply to River Bend. The staff finds this to be acceptable.

Other Areas

Upon assumption of operating responsibility, EOI will assume ultimate responsibility in the areas of training, engineering support, quality assurance, and security (including the exclusion areas). EOI will assume authority for functions necessary to fulfill the emergency planning requirements and GSU will continue to fulfill selective emergency planning functions. The required support will be assured by a support agreement that will be entered into between GSU and EOI under which GSU will provide personnel, supplies, and services to EOI necessary to support the River Bend emergency plan. GSU has stated that EOI will manage, operate, and maintain River Bend in these areas in accordance with the conditions and requirements established by the NRC with respect to River Bend and with the same regard for public and personnel safety as heretofore exemplified by GSU. GSU has stated that, except for administrative changes to reflect the role of EOI, the commitments in the River Bend quality assurance program, the River Bend emergency plan, security plan, and training program will be unaffected, and that this license amendment will not change any of the licensee's regulatory commitments to the NRC. The staff finds this to be acceptable.

License Conditions

(a) Administrative Changes

Throughout the license, license conditions and other statements are proposed to be modified to reflect EOI as a new licensee and the operator/managing agent for all licensees. These administrative changes, necessary to effect the transfer of operating authority, are acceptable.

(b) Marketing of Energy

A new license condition (2.C.(3)(b)) relating to the marketing and brokering of energy will be included in the license. This condition results from a commitment from GSU that EOI would not participate in the marketing or brokering of energy. Such a commitment was provided by a letter dated June 29, 1993. The new license condition states:

EOI shall not market or broker power or energy from River Bend Station, Unit 1. GSU is responsible and accountable for the actions of its agent, EOI, to the extent said agent's actions affect the marketing or brokering of power or energy from River Bend Station, Unit 1

and, in any way, contravene the antitrust conditions of this paragraph or Appendix C of this license.

Hearing Contentions

On July 7, 1993, the NRC noticed GSU's request for this amendment in the Federal Register (58 FR 36436) and offered an opportunity for interested persons to file petitions to intervene and requests for a hearing. On August 6, 1993, Cajun filed a petition to intervene and request for a hearing. Cajun supplemented its petition on August 17, 1993. On August 31, 1993, in response to an August 26, 1993 notice in the Federal Register that an Atomic Safety and Licensing Board (ASLB) had been established for this proposed amendment, Cajun filed seven contentions, which are addressed below. A prehearing conference was held on September 15, 1993, to hear arguments on the petition to intervene and responsive pleadings.

By a filing before the Licensing Board on October 13, 1993, the staff addressed the contentions regarding their admissibility for a hearing. Cajun's contentions and the staff's consideration of their applicability to safety are presented below:

- C-1 "The proposed amendments fail to reflect the public interest and interests of co-owners, wholesale customers and customers that may be affected by the outcome of the Cajun and Texas litigation.

Cajun failed to state in its basis what it perceives to be the relationship between the proposed amendment and the litigation that it says may bankrupt GSU. While it states that there may be an "adverse financial impact" from the proposed merger and the litigation, it does not indicate how this alleged impact relates to the safe operation of River Bend. Based on the information provided by Cajun, it appears that the effect of the outcome of the cited litigation would be the same without regard to who owns GSU and who operates River Bend.

- C-2 "The proposed amendments may result in a significant reduction in the margin of safety at River Bend."

Cajun's discussion in support of this contention does not address the margin of safety, but instead discusses funding and the possibility that River Bend might have to shut down because of the unavailability of funds to operate the plant. Cajun's arguments notwithstanding, established safety margins are contained in the plant technical specifications through the limiting conditions for operation, limiting safety system settings, and safety limits. There will be no change to the technical specifications for River Bend as a result of granting the amendment nor will there be any change to the physical design of the plant. Cajun itself has stated that EOI's operation of the plant will enhance safety.

- C-3 "The proposed license amendment cannot be approved without Cajun's consent."

This particular contention is not one involving safety but one involving the contractual relationship between GSU and Cajun. Thus, it is not a concern that the NRC staff needs to address in evaluating the effect of the proposed amendment on public health and safety.

- C-4 "The proposed license amendments will adversely affect Cajun's rights regarding the operation of River Bend."

With this contention, Cajun listed six "additional detrimental impacts". They are: (1) lack of privity with the operator; (2) right of access to audits and key reporting data; (3) approval of budgets, capital projects, and major undertakings; (4) scheduling of power; (5) administrative, general, and other costs; and (6) the assertion that the proposed arrangement limits liability to actions that constitute gross negligence or willful misconduct. The rights that Cajun alleges will be adversely affected by EOI operation are a combination of economic and contractual issues not related to any health and safety issues. Thus, the staff need not consider these concerns in evaluating the effect of the proposed amendment on public health and safety.

- C-5 "The proposed license amendments cannot be approved without certain license conditions."

Cajun offers no argument to show that granting any of its proposed license conditions will affect the safe operation of the plant. Rather the proposed license conditions appear to address economic and contractual concerns of Cajun.

- C-6 "The proposed ownership amendment should be approved only with conditions adequate to remedy its adverse impact on the Cajun/GSU Interconnection Agreement."

The contention is directed toward the transfer of ownership of GSU rather than the change in the operating company for River Bend, which is the subject of this amendment.

- C-7 "The River Bend license conditions must be enforced."

Cajun specifically identifies License Condition 2.C.(3), Appendix C, Condition 10, which requires GSU to transmit power over its system on behalf of utilities engaging in bulk power supply in GSU's service area, and Condition 12, addressing GSU's obligation to sell power for resale. This contention does not seem to be related to the proposed amendment, but rather requests enforcement of two existing antitrust

license conditions. An allegation of nonconformance with license conditions is properly raised in a petition pursuant to 10 CFR 2.206.

In summary, the contentions do not address the safe operation of the plant or public health and safety. Thus, there is no need for the staff to discuss Cajun's concerns as set forth in its contentions in the staff's review of the application.

4.0 FINAL NO SIGNIFICANT HAZARDS CONSIDERATION

GSU's request for this amendment to the operating license for the River Bend, including a proposed determination by the staff of no significant hazards consideration, was noticed in the Federal Register on July 7, 1993 (58 FR 36435). Section 50.92(c) of 10 CFR includes three standards used by the NRC staff to arrive at a determination that a request for amendment involves no significant hazards considerations. If operation of a facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety, then the standards for a finding of no significant hazards have been met.

GSU addressed the above three standards in the amendment application and determined that the proposed changes do not involve a significant hazards consideration. In regard to the three standards, GSU provided the following analysis.

- (1) Operation of the facility in accordance with the proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated.

As a result of the proposed license amendment, there will be no physical change to the River Bend facility, and all Limiting Conditions for Operation, Limiting Safety System Settings, and Safety Limits specified in the Technical Specifications will remain unchanged. Also, the River Bend Quality Assurance Program, Emergency Plan, Security Plan, and Operator Training and Requalification Program will be unaffected.

- (2) The proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed amendment will have no effect on the physical configuration of River Bend or the manner in which it will operate. The plant design and design basis will remain the same. The current plant safety analyses will therefore remain complete and accurate in addressing the design basis events and in analyzing plant response and consequences. The Limiting Conditions for Operation, Limiting Safety System Settings, and Safety Limits specified in the Technical

Specifications for River Bend are not affected by the proposed license amendment. As such, the plant conditions for which the design basis accident analyses have been performed will remain valid. Therefore, the proposed license amendment cannot create the possibility of a new or different kind of accident from any accident previously evaluated.

- (3) The proposed amendment will not involve a significant reduction in a margin of safety.

Plant safety margins are established through Limiting Conditions for Operation, Limiting Safety System Settings, and Safety Limits specified in the Technical Specifications. Since there will be no change to the physical design or operation of the plant, there will be no change to any of these margins. Thus, the proposed license amendment will not involve a significant reduction in any margin of safety.

Comments

As stated above, by letter dated August 6, 1993, as supplemented by letters dated August 17, 1993, and August 31, 1993, Cajun filed comments, a petition to intervene, and a request for a hearing and contentions in response to the July 7, 1993, notices of consideration and proposed no significant hazards determinations. Four comments on the proposed no significant hazards consideration determination were submitted in the August 6, 1993, letter and the August 17, 1993 letter. In response to an August 26, 1993, notice in the Federal Register that an Atomic Safety and Licensing Board (ASLB) had been established for this proposed amendment, Cajun submitted the August 31, 1993, letter, which contained the seven contentions addressed above. To date, the ASLB has not ruled on whether Cajun has standing or whether any of the contentions are admissible.

The comments and the staff's evaluation of them regarding applicability to safety and this amendment are presented below:

Comment 1

Cajun raised questions concerning GSU's ability to fund EOI's operation of River Bend, the possibility of GSU's having to declare bankruptcy if a ruling adverse to GSU occurs in pending litigation between GSU and Cajun and the effect of a GSU bankruptcy on GSU's ability to fund River Bend's operation, and the possibility that River Bend may have to be shut down due to insufficient operating funds. Based on these concerns, Cajun stated that the criteria for a finding of no significant hazards determination have not been met.

These issues are addressed in the responses to Contentions 1 and 2 above.

Comment 2

The proposed amendment transferring operational responsibility to EOI cannot be approved without Cajun's consent.

This comment is addressed in the response to Contention 3 above.

Comment 3

The proposed amendment transferring operational authority to EOI will adversely affect Cajun's rights regarding the operation of River Bend.

This comment is addressed in the response to Contention 4 above.

Comment 4

The antitrust license conditions contained in 2.C.(3), Appendix C, Conditions 10 and 12 of the River Bend license must be enforced.

This comment is addressed in the response to Contention 7.

The NRC has considered Cajun's comments and has concluded that there is nothing in them that would cause the staff to change the proposed no significant hazards consideration determination.

Having considered Cajun's comments, the staff continues to agree with Gulf States Utilities' analysis regarding the no significant hazards consideration determination, and therefore has made a final determination that the proposed amendment does not involve a significant hazards consideration.

5.0 STATE CONSULTATION

In accordance with the Commission's regulations, the Louisiana State official was notified of the proposed issuance of the amendment. The State official had no comments.

6.0 ENVIRONMENTAL CONSIDERATION

Pursuant to 10 CFR 51.21, 51.32, and 51.35, an environmental assessment and finding of no significant impact was published in the Federal Register on October 29, 1993 (58 FR 58201). Accordingly, based upon the environmental assessment, the Commission has determined that issuance of this amendment will not have a significant effect on the quality of the human environment.

7.0 CONCLUSION

The Commission has concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributor: Edward T. Baker, PDIV-2/NRR

Date: June 8, 1995



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

SUPPLEMENTAL SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 79 TO FACILITY OPERATING LICENSE NO. NPF-47

ENTERGY OPERATIONS, INC.

RIVER BEND STATION, UNIT 1

DOCKET NO. 50-458

1.0 INTRODUCTION

By application dated January 13, 1993, as supplemented by letter dated June 29, 1993, Gulf States Utilities (the licensee) requested an amendment to Facility Operating License No. NPF-47 for the River Bend Station, Unit 1 (River Bend). The proposed amendment involves a change in the River Bend managing agent from Gulf States Utilities (GSU) to Entergy Operations, Inc. (EOI), a wholly-owned subsidiary of Entergy. A separate license amendment has been proposed to accomplish the ownership transfer.

On December 16, 1993, in License Amendment No. 70 and by Order Approving Transfer of License dated the same day, the NRC approved the licensee's request. By order dated March 14, 1995, the Court of Appeals for the D.C. Circuit ordered that the two NRC orders for 1) the merger of Gulf States Utilities and Entergy and 2) the operation of River Bend by EOI be vacated and the case remanded to the NRC.

The safety evaluation attached is the same as issued for License Amendment No. 70 (now renumbered No. 79) although some matters, unrelated to the remand, have since been appropriately dispositioned by the licensees. This supplemental safety evaluation updates the attached safety evaluation and provides the staff's basis for reissuance of the license amendment.

2.0 EVALUATION

Although the Appeals Court for the D.C. Circuit remanded both NRC orders pursuant to the staff's amendment review of the proposed GSU/Entergy merger, i.e., the orders addressing change in ownership and change in operator, the staff has determined that no further regulatory review is necessary regarding the change in operator from GSU to EOI. The license condition prohibiting EOI from engaging in the marketing or brokering of power or energy from the River Bend facility effectively eliminates EOI's ability to exercise any competitive influence in the bulk power markets served by River Bend. The staff reaffirmed this position in its reevaluation of its no significant antitrust change finding.

3.0 STATE CONSULTATION

In accordance with the Commission's regulations, the Louisiana State Official was notified of the proposed issuance of the amendment. The State official had no comments.

4.0 CONCLUSION

The Commission has concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributors: D. Wigginton
W. Lambe

Date: June 8, 1995

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	Docket No. 50-458
GULF STATES UTILITIES)	(License No. NPF-47)
ENERGY CORPORATION)	
ENERGY OPERATIONS, INC.)	
)	
(River Bend Station, Unit 1))	

ORDER APPROVING TRANSFERS
AND NOTICE OF ISSUANCE
OF LICENSE AMENDMENTS

I.

On November 20, 1985, pursuant to 10 CFR part 50, License No. NPF-47 was issued, under which Gulf States Utilities Company (GSU) is authorized to operate and hold a 70 percent ownership share in River Bend Station, Unit 1 (River Bend), which is located in West Feliciana Parish, Louisiana.

II.

In June 1992, GSU and Entergy Corporation (Entergy) entered into an agreement providing for the combination of the businesses of their companies. In accordance with the merger plan, GSU, following the merger, will continue to operate as an electric utility, but as a subsidiary of a new holding company to be named Entergy Corporation, with its electric operations fully integrated with those of the Entergy System. Upon consummation of the proposed business combination and subject to the receipt of the necessary approvals, Entergy Operations Inc. (EOI), on behalf of the owners, will assume operations and managerial responsibility for River Bend.

III.

To implement the business combination, GSU applied to the U. S. Nuclear Regulatory Commission (NRC) for two license amendments to license NPF-47, by two letters dated January 13, 1993, as supplemented by later filings. Under these requested license amendments, the license would reflect the transfer of ownership of GSU to become a wholly-owned subsidiary of Entergy as a result of a merger between GSU and Entergy, and control over the operation of River Bend would be transferred from GSU to EOI, another wholly-owned subsidiary of Entergy. Notice of these applications for transfer and proposed no significant hazards consideration determinations were published in the Federal Register on July 7, 1993 (58 FR 36435 and 58 FR 36436).

IV.

This Order was originally issued on December 16, 1993. By order dated March 14, 1995, the Court of Appeals for the D.C. Circuit ordered that the two orders for 1) the merger of Gulf States Utilities and Entergy and 2) the operation of River Bend Station by EOI be vacated and the case remanded to the NRC.

V.

The transfer of rights under license NPF-47 is subject to the NRC's approval under 10 CFR § 50.80. Based on information provided by GSU and Entergy, and other information before the Commission, it is determined that the proposed transfer of the control of operations of River Bend from GSU to EOI, and the proposed transfer of ownership of GSU to Entergy, subject to the conditions set forth herein, are in the public interest and are consistent with the applicable provisions of law, regulations and orders issued by the

Commission. These actions were evaluated by the staff as documented in Safety Evaluations, dated December 16, 1993, which contain final no significant hazards consideration determinations. The conditions of the transfer, to which GSU has not objected, are:

2.C.(3) Antitrust Conditions

- a. GSU shall comply with the antitrust license conditions set forth in Appendix C, attached hereto and incorporated in this license.

- b. EOI shall not market or broker power or energy from River Bend Station, Unit 1. GSU is responsible and accountable for the actions of its agent, EOI, to the extent said agent's actions affect the marketing or brokering of power or energy from River Bend Station, Unit 1 and, in any way, contravene the antitrust conditions of this paragraph or Appendix C of this license.

2.C.(16) Merger Related Reports

GSU shall inform the Director, NRR:

- a. Sixty days prior to a transfer (excluding grants of security interests or liens) from GSU to Entergy or any other entity of facilities for the production, transmission or distribution of electric energy having a depreciated book value exceeding one percent (1%) of

GSU's consolidated net utility plant, as recorded on GSU's books of account.

- b. Of an award of damages in litigation initiated against GSU by Cajun Electric Power Cooperative regarding River Bend within 30 days of the award.

VI.

Accordingly, pursuant to sections 103, 105, 161b, 161i, and 187 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2201 et seq. and 10 CFR Part 50, IT IS HEREBY ORDERED that the transfers to Entergy Corporation and Entergy Operations Inc., discussed above, are approved, and NOTICE IS GIVEN that license amendments providing for the transfer of control of operation of River Bend to EOI, subject to the license conditions set out and herein, and the transfer of ownership of GSU to Entergy are issued, effective immediately.

FOR THE NUCLEAR REGULATORY COMMISSION



William T. Russell, Director
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland
this 8th day of June 1995.