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RBG-46129

May 28, 2003

U.S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, DC 20555

Subject: River Bend Station
Docket No. 50-548
License No. NPF-47
Revision to License Amendment Request (LAR) 2002-01, "Reporting Requirements for Operating License Condition Violations and Monthly Operating Reports"

Reference: 1. Letter RBG-45910 dated March 20, 2002 from Entergy to USNRC, LAR 2002-01, "Reporting Requirements for Operating License Condition Violations and Monthly Operating Reports"

Dear Sir or Madam:

By Reference 1, Entergy Operations, Inc. (Entergy) proposed a change to the River Bend Station, Unit 1 (RBS) Operating License (OL) and Technical Specifications (TS) associated with the reporting requirements specified in OL Section 2.E and TS Section 5.6.4. Two specific changes associated with this request proposed deletion of the reporting requirements related to violations of OL Section 2.C (3) Antitrust Conditions and (16) Merger Related Reports, as required by OL Section 2.E. Entergy has reevaluated these proposed changes and requests withdrawal of these two items from the proposed changes as requested in Reference 1. The current reporting requirements related to OL Section 2.C (3) and (16) will be retained in the Operating License.

Therefore, Entergy is hereby amending its License Amendment Request (LAR 2002-01) by deleting the proposed changes related to OL Section 2.C (3) and (16). Attachment 1 of Reference 1 provided the analysis of the proposed changes including a no significant hazards consideration determination. Attachment 2 of Reference 1 provided a mark-up of the proposed OL and TS changes. Attachments 1 and 2 of this letter provide the revised license amendment request with changes and analysis applicable to OL Section 2.C (3) and (16) removed. All other provisions of the Reference 1 amendment request are unchanged and remain as proposed. Withdrawal of this portion of the original amendment request does not otherwise alter the Safety Assessment, or the Determination of No Significant Hazards Consideration contained in Reference 1.

The proposed changes do not include any new commitments.

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If you have any questions or require additional information, please contact David Lorfin at 225-381-4157.

I declare under penalty of perjury that the foregoing is true and correct. Executed on 05/28/03.

Sincerely,



RJK/dnl

Attachments:

1. Analysis of Proposed Technical Specification Change
2. Proposed Facility Operating License Changes (mark-up)

cc: U. S. Nuclear Regulatory Commission
Region IV
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NRC Senior Resident Inspector
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Mr. Michael Webb
U.S. Nuclear Regulatory Commission
M/S OWFN 7D1
Washington, DC 20555

Attachment 1

RBG-46129

Analysis of Proposed Technical Specification Change

1.0 DESCRIPTION

This letter is a request to amend Operating License NPF-47 for River Bend Station, Unit 1 (RBS).

The proposed changes will revise the Operating License by modifying the reporting requirements specified in Section 2.E and Technical Specifications by updating the Monthly Operating Report requirements contained in Section 5.6.4. These changes will reduce the River Bend Station (RBS) administrative burden by eliminating requirements that provide the NRC with information of little risk significance and changing the reporting time period to be consistent with 10CFR50.73. Because this amendment will have no impact on facility operations, Entergy requests approval of the proposed amendment consistent with NRC workload.

2.0 PROPOSED CHANGE

Section 2.E of the Facility Operating License currently requires initial notification of any violations of the requirements contained in Section 2.C of the license within 24 hours with written followup within 30 days. The proposed revision will require initial notification of any violations of the requirements contained in Section 2 Items C.(1); C.(3) through (9); and C.(11) through (16) within 24 hours with written followup within 60 days. This change will remove the *Technical Specifications and Environmental Protection Plan*, and *Fire Protection License Conditions* from the reporting requirements specified in Section 2.E and provide a reporting time period consistent with 10CFR50.73.

RBS Technical Specification Section 5.6.4 currently requires providing documentation of all challenges to the main steam safety/relief valves in the Monthly Operating Report. This change will delete this requirement.

In summary, the proposed change revises the reporting requirements specified in Section 2.E of the Facility Operating License and Technical Specification Section 5.6.4 to reduce the River Bend Station (RBS) administrative burden by eliminating requirements that provide the NRC with information that is not risk significant and changing the reporting time period to be consistent with 10CFR50.73..

3.0 BACKGROUND

With the exception of changing "GSU" to "EOI," Section 2.E of the Facility Operating License has not changed since the initial license issuance. During the Problem Identification and Resolution (PI&R) inspection conducted in December, 2001, the NRC raised an issue concerning the reporting of fire protection discrepancies in accordance with this Operating License section. These discrepancies involved the construction of fire protection features and had been previously identified as violations of Operating License condition 2.C(10). EOI maintains that if a fire protection discrepancy does not meet the reportability requirements specified in 10CFR50.72 or 10CFR50.73, then Section 2.E of the Facility Operating License should not apply. EOI agreed to request a revision to the Operating License to clarify these reporting requirements. Other proposed changes to similar reporting requirements and an

increase to the allowable written followup time period have been included to ensure consistency of Section 2.E.

RBS Technical Specification Section 5.6.4 provides the requirements for the submittal of the Monthly Operating Report. NRC Generic Letter 97-02, *Revised Contents of the Monthly Operating Report*, requested a reduction of the amount of information contained in this report. Revision 2 of the BWR/6 Standard Technical Specifications (NUREG-1434) dated April 30, 2001 no longer requires providing documentation of all challenges to the main steam safety/relief valves in the Monthly Operating Report Section (5.6.4).

4.0 TECHNICAL ANALYSIS

The result of the proposed change to Section 2.E of the Facility Operating License is the elimination of License Condition 2.C.(2) *Technical Specifications and Environmental Protection Plan* and License Condition 2.C.(10) *Fire Protection* from the associated reporting requirements. In addition, the required time for the submittal of a written followup for violations of other License Conditions will increase from 30 days to 60 days. The change to Technical Specification Section 5.6.4 removes the requirement to provide documentation of all challenges to the main steam safety/relief valves in the Monthly Operating Report. These changes involve administrative requirements only; therefore, the plant's design basis and the Updated Safety Analysis Report accident analysis are not affected. In addition, none of these reporting requirements support the plant's emergency plan.

License Condition 2.C.(2) requires EOI to operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan. Violations of Technical Specifications are addressed by 10CFR50.73(a)(2)(i)(B), which requires submittal of a Licensee Event Report (LER) for any operation or condition prohibited by the plant's Technical Specifications. Significant Technical Specification violations may also require an immediate notification in accordance with 10CFR50.72(b) due to the following occurrences: (1) deviation from the plant's Technical Specifications authorized pursuant to 10CFR50.54(x); (2) any condition that results in the condition of the nuclear power plant, including its principal safety barriers, being seriously degraded; (3) any condition that results in the nuclear power plant being in an unanalyzed condition that significantly degrades plant safety; or (4) any condition that could have prevented the fulfillment of the safety function of certain structures or systems. Significant violations of the Environmental Protection Plan normally require notification to the other governmental agencies such as the Environmental Protection Agency or the appropriate state agency. NRC notification for these occurrences is required in accordance with 10CFR50.72(b)(2)(xi). These requirements ensure that any safety-significant violation of Facility Operating License Condition 2.C.(2) will result in NRC notification.

Generic Letter 86-10 provided guidance for the deletion of the fire protection technical specifications, provided a standard license condition governing the plant's fire protection program was implemented. This generic letter also reminded licensees of their obligation to notify the NRC of fire protection deficiencies, which meet the criteria of 10CFR50.72 or 10CFR50.73 as applicable. Generic Letter 88-12 supplied additional guidance by stating that other conditions which represent deficiencies of the fire protection program and are not encompassed by the 10CFR50.72 or 10CFR50.73 reporting criteria should be evaluated by the licensees to determine appropriate corrective action. This guidance provides the basis for eliminating License Condition 2.C.(10) *Fire Protection*, from the Facility Operating License Section 2.E reporting requirements. The result of this change would be NRC notification for risk-significant deficiencies and licensee evaluation to determine appropriate corrective action for the conditions that do not meet the applicable reporting criteria.

Effective January 23, 2001, the allowable time to submit License Event Reports in accordance with 10CFR50.73 was changed from 30 days to 60 days. The proposed change to Section 2.E of the Facility Operating License, which increases the allowable time to submit a written followup from 30 days to 60 days is consistent with this 10CFR50.73 revision.

RBS Technical Specification Section 5.6.4 currently requires including documentation of all challenges to the main steam safety/relief valves in the Monthly Operating Report. This requirement is based on guidance in NUREG-0694, "TMI-Related Requirements for New Operating Licensees." The guidance of NUREG-0694 states: "Assure that any failure of a PORV or safety valve to close will be reported to the NRC promptly. All challenges to the PORVs or safety valves should be documented in the annual report." NRC Generic Letter 97-02, *Revised Contents of the Monthly Operating Report*, requested a reduction of the amount of information contained in this report. The generic letter does not specifically identify the need to report challenges to the main steam safety/relief valves. NUREG 1434, Revision 2, "Standard Technical Specifications General Electric Plants, BWR/6" which is applicable to RBS, no longer contains this requirement.

The result of this change will be: (1) application of Facility Operating License Section 2.E reporting requirements to license conditions that are risk-significant with no associated 10CFR50.72 or 10CFR50.73 reporting requirements (e.g., License Condition 2.C.(1) which requires a maximum power level of 3039 megawatts thermal); (2) an increase in the allowable time specified in Facility Operating License Section 2.E to submit a written followup from 30 days to 60 days; and (3) revision of the Monthly Operating Report requirements to be consistent with the BWR-6 standard technical specifications. Due to the administrative nature of this proposed change, it will have no impact on the NRC's ability to effectively regulate RBS.

5.0 REGULATORY ANALYSIS

5.1 Applicable Regulatory Requirements/Criteria

The proposed changes have been evaluated to determine whether applicable regulations and requirements continue to be met.

Entergy has determined that the proposed changes do not require any exemptions or relief from regulatory requirements, and do not affect conformance with any General Design Criteria differently than described in the Safety Analysis Report.

5.2 No Significant Hazards Consideration

Entergy Operations, Inc. is proposing that the River Bend Station Operating License be amended to remove the reporting requirements contained in Facility Operating License Section 2.E for certain License Conditions. In addition, this proposed change revises the Monthly Operating Report requirements contained in Section 5.6.4 to delete the requirement to include challenges to the main steam safety/relief valves in the Monthly Operating Report. These changes will eliminate reporting requirements that provide the NRC with information that is not risk significant.

Entergy Operations, Inc. has evaluated whether or not a significant hazards consideration is involved with the proposed amendment(s) by focusing on the three standards set forth in 10 CFR 50.92, "Issuance of amendment," as discussed below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

These changes involve administrative requirements only. The plant's design basis and the Updated Safety Analysis Report accident analysis are not affected. In addition, none of these reporting requirements support the plant's emergency plan. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change deletes non-risk significant reporting requirements and does not affect plant design or operation. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

This change only impacts administrative reporting requirements. It does not impact the design or operation of any plant system, structure, or component. In addition, no Technical Specification Safety Limit or instrument allowable value is affected. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based on the above, Entergy concludes that the proposed amendment(s) present no significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and, accordingly, a finding of "no significant hazards consideration" is justified.

5.3 Environmental Considerations

The proposed amendment is confined to (i) changes to surety, insurance, and/or indemnity requirements, or (ii) changes to record keeping, reporting, or administrative procedures or requirements. Accordingly, the proposed amendment meets the eligibility criterion for categorical exclusion set forth in 10CFR51.22(c)(10). Therefore, pursuant to 10CFR51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the proposed amendment.

6.0 PRECEDENCE

Section 2.F of the Grand Gulf Nuclear Station (GGNS) Facility Operating License contains the requirements to report any violations of the requirements of certain License Conditions. This section does not require reporting of the violations of the License Conditions for *Technical Specifications* or *Fire Protection Program*. The License Condition for the Fire Protection Program was eliminated from these reporting requirements in Amendment 82 to the Facility Operating License issued August 23, 1991. The Safety Evaluation Report for this Amendment stated the following:

Operating License Condition 2.C.(23) will be deleted and new Operating License Condition 2.C.(41) will be added so that the fire protection license condition will not be included in those Operating License Conditions which are referred to in Operating License Condition 2.F. License Condition 2.F requires that "violations of the requirements contained in Section 2, Items C.(1), C.(4) through C.(38)" be reported within 24 hours in accordance with the provisions of 10CFR50.72 and written followup in accordance with 10CFR50.73. Fire protection deficiencies which meet the reportability criteria of 10CFR50.72 or 10CFR50.73 must be reported pursuant to the applicable rule. Other conditions which represent deficiencies of the fire protection program or systems but which are not encompassed by these reportability criteria should be evaluated by the licensee and appropriate corrective actions should be taken. Excluding the new fire protection license condition from the requirements of Operating License Condition 2.F will avoid an apparent reporting requirement for deficiencies in addition to those in 10CFR50.72 and 10CFR50.73 by precluding the interpretation that "deficiencies" are equivalent to "violations" of the new fire protection license condition. The exclusion of the fire protection program from the requirements of Operating License Condition 2.F is consistent with the exclusion of the emergency plan and the physical security plan from the requirements of Operating License Condition 2.F and is acceptable to the staff.

Attachment 2

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Proposed Technical Specification Changes (mark-up)

Items C. (1); C. (3) through (9); And C. (11) through (16)

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ATTACHMENT 2
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- D. The licensee 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 the 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 Station Security Plan," with revisions submitted through May 25, 1995; "River Bend Station Guard Training and Qualification Plan," with revisions submitted through December 3, 1993; and "River Bend Station Contingency Plan," with revisions submitted through August 17, 1990. 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 2.7 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). 60
- F. The licensee 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

5.6 Reporting Requirements

5.6.2 Annual Radiological Environmental Operating Report (continued)

results are not available for inclusion with the report, the report shall be submitted noting and explaining the reasons for the missing results. The missing data shall be submitted in a supplementary report as soon as possible.

5.6.3 Radioactive Effluent Release Report

The Radioactive Effluent Release Report covering the operation of the unit during the previous calendar year shall be submitted by May 1 of each year. The report shall include a summary of the quantities of radioactive liquid and gaseous effluents and solid waste released from the unit. The material provided shall be consistent with the objectives outlined in the ODCM and process control program and in conformance with 10 CFR 50.36a and 10 CFR 50, Appendix I, Section IV.B.1.

5.6.4 Monthly Operating Reports

~~Routine reports of operating statistics and shutdown experience, including documentation of all challenges to the main steam safety/relief valves,~~ shall be submitted on a monthly basis no later than the 15th of each month following the calendar month covered by the report. delete

5.6.5 CORE OPERATING LIMITS REPORT (COLR)

- a. Core operating limits shall be established prior to each reload cycle, or prior to any remaining portion of a reload cycle, and shall be documented in the COLR for the following:
- 1) LCO 3.2.1, Average Planar Linear Heat Generation Rate (APLHGR),
 - 2) LCO 3.2.2, Minimum Critical Power Ratio (MCPR)(including power and flow dependent limits).
 - 3) LCO 3.2.3, Linear Heat Generation Rate (LHGR)(including power and flow dependent limits).
 - 4) LCO 3.2.4, Fraction of Core Boiling Boundary (FCBB)
 - 5) LCO 3.3.1.1, RPS Instrumentation (RPS), Function 2.b
 - 6) LCO 3.3.1.3, Periodic Based Detection System (PBDS)
- b. The analytical methods used to determine the core operating limits shall be those previously reviewed and approved by the NRC, specifically those described in the following documents.

(continued)