

April 12, 2004

Mr. Michael A. Krupa
Director, Nuclear Safety & Licensing
Entergy Nuclear South
1340 Echelon Parkway
Jackson, MS 39213

SUBJECT: GRAND GULF NUCLEAR STATION, UNIT 1, RIVER BEND STATION, UNIT 1,
WATERFORD STEAM ELECTRIC STATION, UNIT 3, - ISSUANCE OF
AMENDMENT RE: REVISION OF THE RESPECTIVE APPENDIX B,
ENVIRONMENTAL PROTECTION PLANS (EPPs) (NON-RADIOLOGICAL)
(TAC NOS. MB6705, MB6717, AND MB6704 RESPECTIVELY)

Dear Mr. Krupa:

The Nuclear Regulatory Commission has issued the enclosed Amendment Nos. 165, 138, and 193, to Facility Operating License (FOL) Nos. NPF-29 for the Grand Gulf Nuclear Station, Unit 1, NPF-47 for River Bend Station, Unit 1, and NPF-38 for Waterford Steam Electric Station, Unit 3 respectively, in response to your application dated November 6, 2002, as supplemented by letters dated November 18, 2003, and January 30, 2004.

The amendments revise the FOLs, Appendix B, EPPs for the respective plants.

A copy of our related Safety Evaluation is enclosed. The Notice of Issuance will be included in the Commission's next biweekly *Federal Register* notice.

Sincerely,

/RA/

Bhalchandra Vaidya, Project Manager, Section 1
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-416
50-458
50-382

Enclosures: 1. Amendment No. 165 to NPF-29
2. Amendment No. 138 to NPF-47
3. Amendment No. 193 to NPF-38
4. Safety Evaluation

cc w/encls: See next page

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Accession No.: ML041040152 *No significant change from SE Input NRR-058

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NAME	BVaidya	DJohnson	JRTappert	TBoyce*	AFernandes	RGramm
DATE	3/10/04	3/9/04	3/17/04	3/23/04	3/26/04	4/12/04

ENTERGY OPERATIONS, INC.
SYSTEM ENERGY RESOURCES, INC.
SOUTH MISSISSIPPI ELECTRIC POWER ASSOCIATION
ENTERGY MISSISSIPPI, INC.
DOCKET NO. 50-416
GRAND GULF NUCLEAR STATION, UNIT 1
AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 165
License No. NPF-29

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Entergy Operations, Inc. (the licensee) dated November 6, 2002, as supplemented by letters dated November 18, 2003, and January 30, 2004, 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, 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 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, the license is amended by changes to the Environmental Protection Plan contained in Appendix B, as indicated in the attachment to this license amendment, and paragraph 2.C.(2) of Facility Operating License No. NPF-29 is hereby amended to read as follows:

- (2) Technical Specifications

- The Technical Specifications contained in Appendix A, and the Environmental Protection Plan contained in Appendix B, as revised through Amendment No. 165, are hereby incorporated into this license. Entergy Operations, Inc. shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

3. This license amendment is effective as of its date of issuance and shall be implemented within 60 days from the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Robert A. Gramm, Chief, Section 1
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachment: Changes to the Environmental Protection Plan

Date of Issuance: April 12, 2004

ATTACHMENT TO LICENSE AMENDMENT NO. 165

FACILITY OPERATING LICENSE NO. NPF-29

DOCKET NO. 50-416

Replace the current Appendix B, Environmental Protection Plan, with the revised Appendix B, Environmental Protection Plan, in its entirety. The pages are identified by amendment number.

ENERGY GULF STATES, INC. **

AND

ENERGY OPERATIONS, INC.

DOCKET NO. 50-458

RIVER BEND STATION, UNIT 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 138
License No. NPF-47

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Entergy Gulf States, Inc.* (the licensee) dated November 6, 2002, as supplemented by letters dated November 18, 2003, and January 30, 2004, 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

* Entergy Operations, Inc. is authorized to act as agent for Entergy Gulf States, Inc., and has exclusive responsibility and control over the physical construction, operation and maintenance of the facility.

**Entergy Gulf States, Inc., has merged with a wholly owned subsidiary of Entergy Corporation. Entergy Gulf States, Inc., was the surviving company in the merger.

- 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, the license is amended by changes to the Environmental Protection Plan contained in Appendix B, as indicated in the attachment to this license amendment, and Paragraph 2.C.(2) of Facility Operating License No. NPF-47 is hereby amended to read as follows:
- (2) Technical Specifications and Environmental Protection Plan
- The Technical Specifications contained in Appendix A, and the Environmental Protection Plan contained in Appendix B, as revised through Amendment No. 138, are hereby incorporated in the license. EOI shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.
3. The license amendment is effective as of its date of issuance and shall be implemented within 60 days from the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Robert A. Gramm, Chief, Section 1
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachment: Changes to the Environmental Protection Plan

Date of Issuance: April 12, 2004

ATTACHMENT TO LICENSE AMENDMENT NO. 138

FACILITY OPERATING LICENSE NO. NPF-47

DOCKET NO. 50-458

Replace the current Appendix B, Environmental Protection Plan, with the revised Appendix B, Environmental Protection Plan, in its entirety. The pages are identified by amendment number.

ENERGY OPERATIONS, INC.

DOCKET NO. 50-382

WATERFORD STEAM ELECTRIC STATION, UNIT 3

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 193
License No. NPF-38

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Entergy Operations, Inc. (EOI) dated November 6, 2002, as supplemented by letters dated November 18, 2003, and January 30, 2004, 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, 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 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, the license is amended by changes to the Environmental Protection Plan contained in Appendix B, as indicated in the attachment to this license amendment, and paragraph 2.C.2. of Facility Operating License No. NPF-38 is hereby amended to read as follows:

2. Technical Specifications and Environmental Protection Plan

- The Technical Specifications contained in Appendix A, and the Environmental Protection Plan contained in Appendix B, as revised through Amendment No. 193, are hereby incorporated in the license. EOI shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

3. This license amendment is effective as of its date of issuance and shall be implemented within 60 days from the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Robert A. Gramm, Chief, Section 1
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachment: Changes to the Environmental Protection Plan

Date of Issuance: April 12, 2004

ATTACHMENT TO LICENSE AMENDMENT NO. 193

TO FACILITY OPERATING LICENSE NO. NPF-38

DOCKET NO. 50-382

Replace the current Appendix B, Environmental Protection Plan, with the revised Appendix B, Environmental Protection Plan, in its entirety. The pages are identified by amendment number.

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 165 TO FACILITY OPERATING LICENSE NO. NPF-29
GRAND GULF NUCLEAR STATION, UNIT 1, DOCKET NO. 50-416,
RELATED TO AMENDMENT NO. 138 TO FACILITY OPERATING LICENSE NO. NPF-47
RIVER BEND STATION, UNIT 1, DOCKET NO. 50-458, AND
RELATED TO AMENDMENT NO. 193 TO FACILITY OPERATING LICENSE NO. NPF-38
WATERFORD STEAM ELECTRIC STATION, UNIT 3, DOCKET NO. 50-382
ENTERGY OPERATIONS, INC., ET AL.

1.0 INTRODUCTION

By application dated November 6, 2002, Agencywide Documents Access and Management System (ADAMS) Accession Number ML023180512, as supplemented by letters dated November 18, 2003, ADAMS Accession Number ML033290617, and January 30, 2004, ADAMS Accession Number ML040370788, Entergy Operations, Inc., et al. (Entergy or the licensee), requested changes to Appendix B, the Environmental Protection Plans (EPPs), of the respective Facility Operating Licenses for Grand Gulf Nuclear Station, Unit 1 (GGNS), River Bend Station, Unit 1(RBS), and Waterford Steam Electric Station, Unit 3 (Waterford). The original application dated November 6, 2002, requested deletion of the EPPs in their entirety. However, the November 18, 2003, supplemental letter requested to retain the respective EPPs with revisions to reflect the deletion of completed and redundant activities, and retention of the on-going monitoring and reporting activities without changes to the scope and intent of the current requirements. The January 30, 2004, supplemental letter provided further clarifications to the November 18, 2003, supplemental letter.

The licensee attached a revised no significant hazards consideration (NSHC) determination with the supplemental letter dated November 18, 2003. This revised NSHC determination when compared with the NSHC determination included in the original application dated November 6, 2002, did not expand the scope of the application as originally noticed, did not change the conclusions of the NSHC determination, and contained only minor wording changes as compared with the, as published, notice in the *Federal Register* on December 10, 2002 (67 FR 75872). The January 30, 2004, supplemental letter provided further clarification to the November 18, 2003, supplemental letter that did not change the conclusion or expand the scope of the NSHC determination published on December 10, 2002.

The proposed changes would retain certain elements of the EPPs and would revise others by clarifying a number of items without changing the intent, by removing the requirement for an annual report, by updating terminology, and by standardizing the EPPs. Specifically the proposed changes would revise the EPPs as follows:

- a) Sections 1.0, 2.1, 4.1, 5.2, and 5.4.2 contain changes to administrative procedures and clarifications,

- b) The requirement for an annual report on implementation of the EPP is removed from Sections 3.1 and 5.4.1,
- c) Requirements to report violation of certain permits and provide NRC with copies of proposed changes to those permits are removed from Section 3.2,
- d) Section 3.3 is revised so that environmental impacts that are regulated by other agencies need not be evaluated under Section 3.1, and
- e) The need for reporting details and completion of various monitoring programs is removed from Section 4.2.

The revised EPPs supercede the originals in their entirety.

2.0 REGULATORY EVALUATION

The NRC staff finds that the licensee in Attachment 1, Sections 3 and 5 of its original submittal, as supplemented, identified the applicable regulatory requirements. The regulatory requirements on which the staff based its acceptance are discussed below:

The EPPs were established during initial plant operations to monitor environmental issues such as potential erosion along transmission lines and cooling tower drift impact on vegetation, noise, and cultural resources issues. The regulatory basis for the establishment of the EPPs, was Title 10 of *Code of Federal Regulations* (10 CFR), Section 50.36b, "Environmental conditions." This regulation requires that any environmental obligations identified by the NRC be included as license conditions in an attachment to the license. The attachment is incorporated in, and made a part of, the license. The conditions are derived from information contained in the environmental report and any supplements to the environmental report submitted, as required by 10 CFR 51.50 and 51.53.

3.0 TECHNICAL EVALUATION

The NRC staff has reviewed the licensee's regulatory and technical analyses, in support of its proposed license amendments, which are described in Attachment 1, Sections 3 and 5 of the licensee's supplemental letter dated November 18, 2003.

3.1 Background

The licensee in its supplemental letters dated November 18, 2003, and January 30, 2004, requested NRC approval for the revision of portions of the EPPs from the licenses for GGNS, RBS, and Waterford. For each plant, the EPP is Appendix B to the license. The current EPPs include requirements for monitoring programs, review of plant changes for environmental impacts, and reporting and recordkeeping.

3.2 Evaluation

The changes proposed by the licensee are discussed under the associated sections of the EPPs. The EPPs for all three plants are very similar. GGNS EPP changes are discussed in this section. However, the evaluation that follows includes the information indicating where there are substantive differences, and how those differences are addressed in the changes to the respective EPPs.

3.2.1 EPP Section 1.0, Objectives of the Environmental Protection Plan:

a) Existing Requirement:

This section describes the objectives of the EPP. The GGNS EPP states that:

The Environmental Protection Plan (EPP) is to provide for protection of environmental values during construction and operation of the nuclear facility. The principle objectives of the EPP are as follows:

- (1) Verify that the Plant is operated in an environmentally acceptable manner, as established by the FES [Final Environmental Statement] and other NRC environmental impact assessments.
- (2) Coordinate NRC requirements and maintain consistency with other Federal, State and local requirements for environmental protection.
- (3) Keep NRC informed of the environmental effects of facility construction and operation and of action taken to control those effects.

Environmental concerns identified in the FES which relate to water quality matters are regulated by way of the GGNS NPDES [National Pollutant Discharge Elimination System] permit.

b) Proposed Revision:

The licensee requested removal of references to construction impacts in this section. In addition, the licensee requested that the last sentence in Section 1.0 for RBS and Waterford be revised to include reference to the Louisiana Pollutant Discharge Elimination System (LPDES) permit.

c) NRC Staff Evaluation:

The construction references were included to cover the impacts related to the latter stages of construction of the plants. The associated activities were completed many years ago. Therefore, the staff concludes that removal of these references is acceptable. The remaining text ensures that impacts related to current and future activities at the plants are considered under the EPPs. The addition of the reference to LPDES permits is administrative in nature, clarifying that NPDES permits issued by the State of Louisiana are referred to as LPDES permits. This administrative change is acceptable to the NRC staff.

3.2.2 EPP Section 2.0, Environmental Protection Issues:

a) Existing Requirement:

This section describes requirements put in place as a result of specific issues identified in the FES for each plant. In most cases, these requirements were intended to monitor some environmental impact for a limited period of time, and then expire. However, in one case for Waterford, Unit 3, the program is ongoing (a cultural resources protection plan or CRPP).

In addition, Subsection 2.1 for both GGNS and Waterford explain the relationship between the NRC staff's responsibilities and those of the NPDES authority with respect to impacts to aquatic resources. Similar information is presented in Subsection 4.2.1 of the RBS EPP.

b) Proposed Revision:

Entergy has requested a change to remove the references to specific state agencies in relation to the NPDES permit. The agency names used in both the GGNS and Waterford EPPs are no longer correct because of changes in the associated state government structure. In place of the specific agency name, the proposed revision to the EPP would now refer to the Federal or State permitting authority. In addition, the related information from Section 4.2.1 of the RBS EPP would be relocated to Section 2.1 and modified for consistency. Finally, the reference to Section 4.2.2 in Section 2.3 of the RBS EPP is revised to reference Section 4.2 to conform with changes in that section (discussed below).

c) NRC Staff Evaluation:

The proposed change is administrative in nature and corrects existing problems in the three EPPs. The use of a more generic reference to the permitting authority will prevent future changes in the structure of the state governments from creating new inconsistencies. The NRC staff concludes that these changes are acceptable.

3.2.3 EPP Section 3.1, Plant Design and Operation:

a) Existing Requirement:

This section generally describes which activities may be carried out without prior NRC approval, and which cannot. The GGNS EPP states that:

The licensee may make changes in plant design or operation or perform tests or experiments affecting the environment provided such changes, tests or experiments do not involve an unreviewed environmental question, and do not involve a change in the Environmental Protection Plan. Changes in plant design or operation and performance of tests or experiments which do not affect the environment are not subject to the requirements of this EPP. Activities governed by Section 3.3 are not subject to the requirements of this section.

Before engaging in construction or operational activities which may affect the environment, the licensee shall prepare and record an environmental evaluation of such activity. When the evaluation indicates that such activity involves an unreviewed environmental question, the licensee shall provide a written evaluation of such activity and obtain prior approval from the Director, Office of Nuclear Reactor Regulation. When such activity involves a change in the Environmental Protection Plan, such activity and change to the Environmental Protection Plan, may be implemented only in accordance with an appropriate license amendment as set forth in Section 5.3.

A proposed change, test or experiment shall be deemed to involve an unreviewed environmental question if it concerns (1) a matter which may result in a significant increase in any adverse environmental impact previously evaluated in the final environmental statement (FES) as modified by staff's testimony to the Atomic Safety and Licensing Board, supplements to the FES, environmental impact appraisals, or in any decisions of the Atomic Safety and Licensing Board; or (2) a significant change in effluents or power level [in accordance with 10 CFR 51.5(b)(2)]; or (3) a matter not previously reviewed and evaluated in the documents specified in (1) of this Subsection, which may have a significant adverse environmental impact.

The licensee shall maintain records of changes in plant design or operation and of tests and experiments carried out pursuant to this Subsection. These records shall include a written evaluation which provide bases for the determination that the change, test, or experiment does not involve an unreviewed environmental question nor constitute a decrease in the effectiveness of this EPP to meet the objectives specified in Section 1.0. The licensee shall include as part of the Annual Environmental Operating Report (per Subsection 5.4.1) brief descriptions, analyses, interpretations, and evaluations of such changes, tests and experiments.

There are footnotes referenced in the GGNS EPP that are not included above because they are not relevant to this Safety Evaluation.

b) Proposed Revision:

The last sentence in Section 3.1 requires the licensee to include information on evaluations for unreviewed environmental questions in an annual report. As discussed below under the analysis for Subsection 5.4.1 (section 3.2.9 of this Safety Evaluation), the annual report will no longer be required. Therefore, the licensee requests that the requirement to report on evaluations for unreviewed environmental questions also be removed.

c) NRC Staff Evaluation:

The staff's analysis and conclusion regarding the need for the annual report is discussed in the evaluation for Subsection 5.4.1. Without the annual report, the NRC staff will not receive summaries of the evaluations of changes by the licensee. However, these evaluations will be available for staff review at the plant. In addition, Section 3.1 will still require the licensee to obtain NRC staff approval for any changes that involve an unreviewed environmental question.

Based on this, the NRC staff concludes that the removal of the requirement for annual reporting of the licensee's evaluations for unreviewed environmental questions is acceptable.

3.2.4 EPP Section 3.2, Reporting Related to the NPDES Permits and State Certification:

a) Existing Requirement:

This section requires the licensee to report violations of, and changes to, the NPDES permit and the State certification under Section 401 of the Clean Water Act. The GGNS EPP states that:

Violations of the NPDES permit or the State certification (pursuant to Section 401 of the Clean Water Act, respectively) shall be reported to the NRC by submittal of copies of the reports required by the NPDES permit or certification.

Changes and additions to the NPDES permit or the State certification shall be reported to the NRC within 30 days following the date the change is approved. If a permit or certification, in part or in its entirety, is appealed and stayed, the NRC shall be notified within 30 days following the date the stay is granted.

The NRC staff shall be notified of changes proposed by the licensee to the effective NPDES permit by providing the NRC with a copy of the proposed change at the same time it is submitted to the permitting agency. The notification of a licensee-initiated change shall include a copy of the requested revision submitted to the permitting agency. The licensee shall provide the NRC with a copy of its application for renewal of the NPDES permit at the same time the application is submitted to the permitting agency.

The RBS EPP does not include the first paragraph (reporting of NPDES violations). The Waterford EPP includes an additional sentence in the first paragraph that requires the licensee to report the results of non-routine studies associated with the NPDES permit.

b) Proposed Revision:

The licensee has requested the removal of the first paragraph (GGNS and Waterford) and the last paragraph (all three plants). The center paragraph would be revised for clarity and consistency, retaining the requirement for the licensee to provide the NRC staff with copies of the most recent NPDES permit or State certification pursuant to Section 401 of the Clean Water Act within 30 days after they are issued. In addition, the licensee requested that a reference to LPDES be added to the header for this section in the RBS and Waterford EPPs.

c) NRC Staff Evaluation:

The first paragraph in Subsection 3.2 of the GGNS and Waterford EPPs requires the licensee to report violations of the NPDES permit or State certification pursuant to Section 401 of the Clean Water Act. The RBS EPP does not include this requirement, relying instead on Subsection 4.1

of the EPP, which requires the licensee to report any occurrence of an unusual or important event that indicates or could result in significant environmental impact causally related to station operation. The difference in these current versions of the EPPs is that GGNS and Waterford are required to report all NPDES or State certification violations, even those violations of an insignificant nature, while RBS would only report those that could result in a significant environmental impact. The NRC staff's need to know about these violations relates to its responsibilities under certain acts (e.g., the Endangered Species Act of 1973). In this regard, the staff needs information only about events that have the potential to involve a significant environmental impact.

In addition, 10 CFR 50.72(b)(2)(xi) requires, in part, that licensees make a 4-hour report to NRC of any "event or situation, related to the health and safety of the public or onsite personnel, or *protection of the environment* [emphasis added], for which a news release is planned or notification to other government agencies has been or will be made." Thus, any violation of the NPDES permit or State certification that is reportable to the State would also require a 10 CFR 50.72 report.

The Waterford EPP also requires the licensee to report the results of non-routine studies associated with the NPDES permit. This requirement related to the studies that the licensee completed shortly after the plant began operating (e.g., the Clean Water Act Section 316(a) and (b) demonstrations). Because these studies have been completed, the reporting requirement is no longer necessary. If, at some future date, the NPDES authority were to request some sort of additional non-routine studies, the NRC staff would be made aware of this activity when the associated revision to the NPDES permit was received.

Therefore, based on the analysis presented above, the NRC staff concludes that the proposed change to remove the first paragraph from the GGNS and Waterford EPPs is acceptable to the NRC staff.

The last paragraph in all three EPPs requires the licensee to provide the NRC staff with copies of proposed revisions to, or renewals of, the NPDES permits. However, the NRC staff does not have a role in determining the NPDES limits for the plants. This responsibility lies with the appropriate permitting authority. Therefore, requiring the licensee to submit proposed NPDES permit changes is of little value to the NRC staff.

The paragraph that will remain in Subsection 3.2 will still require the licensee to provide the staff with copies of the approved revised permits. This requirement will allow the NRC staff to remain cognizant of those environmental impacts of plant operations related to the permits. In addition, Subsection 3.1 of the EPP will continue to require the licensee to evaluate plant changes for unreviewed environmental questions. This requirement ensures that significant changes to the environmental impacts of plant operation that are not evaluated by the permitting authority will receive an NRC staff review.

Based on this information, the NRC staff concludes that the proposed deletion of the last paragraph in Subsection 3.2 is acceptable. Also, the addition of reference to LPDES permits in the header for EPPs for RBS and Waterford is administrative in nature and is acceptable to the NRC staff.

3.2.5 EPP Section 3.3, Changes Required for Compliance with Other Environmental Regulation:

a) Existing Requirement:

This section exempts certain activities from the requirement in Section 3.1 to evaluate changes for any unreviewed environmental questions. The GGNS EPP states that:

Changes in plant design or operation and performance of tests or experiments required to achieve compliance with other Federal, State, or local environmental regulations are not subject to requirements of Section 3.1.

b) Proposed Revision:

The licensee requested to modify this section such that environmental impacts that are evaluated by other Federal, State, or local agencies are not subject to the requirements of Section 3.1.

c) NRC Staff Evaluation:

The current Section 3.3 applies the exemption from Section 3.1 only to those changes, tests, or experiments that are required to achieve compliance with the regulations of various agencies. The revision expands this exemption to include environmental impacts that are evaluated by these various agencies. This change has the effect of focusing Section 3.1 on those environmental impacts that will not otherwise receive a review by a cognizant Federal, State, or local agency. Impacts that are the subject of the expansion of the exemption will still be evaluated, but by the appropriate cognizant agency. Therefore, the NRC staff concludes that this change is acceptable.

3.2.6 EPP Section 4.1, Unusual or Important Environmental Events:

a) Existing Requirement:

This section requires the reporting of environmental events. The GGNS EPP states that:

Any occurrence of an unusual or important event that indicates or could result in significant environmental impact causally related to station operation shall be recorded and promptly reported to the NRC within 24 hours by telephone, telegraph or facsimile transmissions followed by a written report per Subsection 5.4.2. The following are examples: excessive bird impaction events, onsite plant or animal disease outbreaks, mortality or unusual occurrence of any species protected by the Endangered Species Act of 1973, fish kills, increase in nuisance organisms or conditions and unanticipated or emergency discharge of waste water or chemical substances.

No routine monitoring programs are required to implement this condition.

b) Proposed Revision:

The licensee requested to clarify that the 24-hour report will be made to the NRC Operations Center by telephone. In addition, the licensee proposed adding a sentence to make it clear that the 24-hour report is not required if the event has already been reported to the NRC under Section 10 CFR 50.72.

c) NRC Staff Evaluation:

The first change is administrative in nature, bringing the text of the EPPs into conformance with the present methods used to make immediate reports regarding events to the NRC. The second change is a clarification to avoid potential duplicate reporting requirements. Based on this information, the NRC staff finds the proposed changes acceptable.

3.2.7 EPP Section 4.2, Environmental Monitoring:

a) Existing Requirement:

This section lists environmental monitoring requirements. As discussed above in Section 3.2.2 for Section 2.0 changes; in all but one case, these monitoring requirements have been completed and no longer apply.

b) Proposed Revision:

The licensee has requested that the monitoring requirements for the programs that have been completed be deleted, and to add an explanation that all of the requirements of the programs have been met. Because it is an ongoing program, the licensee proposes to retain the CRPP at Waterford.

c) NRC Staff Evaluation:

With the exception of the CRPP at Waterford, the staff concludes that the monitoring programs have been completed and may be deleted from the EPPs. The CRPP is an ongoing commitment to protect cultural resources on the Waterford site and it will be retained. The NRC staff concludes that the proposed changes are acceptable.

3.2.8 EPP Section 5.2, Records Retention:

a) Existing Requirement:

This section requires the licensee to retain environmental records. The GGNS EPP states that:

Records and logs relative to the environmental aspects of plant operation shall be made and retained in a manner convenient for review and inspection. These records and logs shall be made available to NRC on request.

Records of modifications to plant structures, systems and components determined to potentially affect the continued protection of the environment shall be retained for the life of the plant. All other records, data and logs relating to this EPP shall be retained for five years or, where applicable, in accordance with the requirements of other agencies.

b) Proposed Revision:

The licensee proposed to modify this requirement to delete references to data and logs and just refer to records associated with the EPP. In addition, the licensee proposed a clarification of the period of time during which records must be retained.

c) NRC Staff Evaluation:

The proposed change regarding the types of records simplifies the EPPs by requiring the retention of records associated with the EPPs. The existing reference to data and logs refers to information that would have been collected under the now-completed monitoring programs. The change to the stated retention period makes the requirement consistent with other similar requirements in the NRC regulations (e.g., 10 CFR 50.59). The NRC staff concludes that these changes are acceptable.

3.2.9 EPP Section 5.4.1, Routine Reports:

a) Existing Requirement:

This section requires the licensee to submit an Annual Environmental Operating Report. The GGNS EPP states that:

An Annual Environmental Operating Report describing implementation of this EPP for the previous year shall be submitted to the NRC prior to May 1 of each year. The initial report shall be submitted prior to May 1 of the year following issuance of the operating license. The period of the first report shall begin with the date of issuance of the operating license for the first operational unit.

The report shall include summaries and analyses of the results of the environmental protection activities required by Subsection 4.2 of this Environmental Protection Plan for the report period, including a comparison with preoperational studies, operational controls (as appropriate), and previous nonradiological environmental monitoring reports, and an assessment of the observed impacts of the station operation on the environment. If harmful effects or evidence of trends towards irreversible damage to the environment are observed, the licensee shall provide a detailed analysis of the data and a proposed course of action to alleviate the problem.

The Annual Environmental Operating Report shall also include:

- (a) A list of EPP noncompliances and the corrective actions taken to remedy them.

- (b) A list of all changes in station design or operation, tests, and experiments made in accordance with Subsection 3.1 which involved a potentially significant unreviewed environmental issue.
- (c) A list of nonroutine reports submitted in accordance with Subsection 5.4.2.

In the event that some results are not available by the report due date, the report shall be submitted noting and explaining the missing results. The missing data shall be submitted as soon as possible in a supplementary report.

b) Proposed Revision:

The licensee requested that the requirement for an annual report be deleted. The licensee points out that the monitoring programs required by Subsection 4.2 that made up most of the annual reports have been completed and that there is really no need for the NRC staff to receive a list of the non-routine reports the licensee has submitted. With respect to EPP noncompliances, major problems would be reported under the requirements of 10 CFR 50.72 or EPP Subsection 4.1, and lesser problems would be entered into the licensee's Corrective Action Program, with the corrective actions tracked under that program. Finally, any plant changes that involve an unreviewed environmental question require prior NRC approval in accordance with Subsection 3.1 of the EPP.

c) NRC Staff Evaluation:

All Section 4.2 monitoring programs for all three plants have been completed and closed out. Waterford does have a CRPP, but this is not a monitoring program. Subsection 3.1 of the EPP will continue to require the licensee to obtain prior staff approval of any changes that involve an unreviewed environmental question. Significant environmental events will still have to be reported to the NRC in accordance with Subsection 4.1 of the EPP. Based on this, the NRC staff concludes that the annual report is not necessary and this requirement can be deleted from the EPPs.

3.2.10 EPP Section 5.4.2, Nonroutine Reports:

a) Existing Requirement:

This section requires the licensee to submit nonroutine reports. The GGNS EPP states that:

A written report shall be submitted to the NRC within 30 days of occurrence of a nonroutine event. The report shall (a) describe, analyze, and evaluate the event, including extent and magnitude of these impact and plant operating characteristics, (b) describe the probable cause of the event, (c) indicate the action taken to correct the reported event, (d) indicate the corrective action taken to preclude repetition of the event and to prevent similar occurrences involving similar components or systems, and (e) indicate the agencies notified and their preliminary responses.

Events reportable under this subsection which also require reports to other Federal, State, or local agencies shall be reported in accordance with those reporting requirements in lieu of the requirements of this subsection. The NRC shall be provided with a copy of each report at the same time it is submitted to the other agency.

b) Proposed Revision:

The licensee proposed a clarification for GGNS and RBS that the reference to a “nonroutine event” is the same as an “unusual or important event” as discussed in Subsection 4.1 of the EPP. The Waterford EPP already contains this clarification.

c) NRC Staff Evaluation:

The NRC staff has reviewed the EPPs and concludes that the intent of Subsection 5.4.2 was to require a written report for the events described in Subsection 4.1. Therefore, the NRC staff concludes that the proposed clarification is acceptable.

3.2.11 Conclusion -Technical Evaluation:

Based on the above discussion, the NRC staff finds that the proposed revisions to the respective EPPs for GGNS, RBS, and Waterford are acceptable.

4.0 STATE CONSULTATION

In accordance with the Commission's regulations, the Louisiana and Mississippi State officials were notified of the proposed issuance of the amendment. The State officials had no comments.

5.0 ENVIRONMENTAL CONSIDERATION

The amendment changes requirements with respect to recordkeeping, reporting, or administrative procedures or requirements with respect to the EPPs. The NRC staff has determined that the amendments involve no significant increase in the amounts, and no significant change in the types, of any effluents that may be released offsite, and that there is no significant increase in individual or cumulative occupational radiation exposure. The Commission has previously issued a proposed finding that the amendments involve no significant hazards consideration on December 10, 2002 (67 FR 75872), and there has been no public comment on such finding. Accordingly, the amendments meet the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(10). Pursuant to 10 CFR 51.22(b) no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendments.

6.0 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 amendments will not be inimical to the common defense and security or to the health and safety of the public.

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