



OFFICE OF THE
GENERAL COUNSEL

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

October 26, 2006

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Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
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In the Matter of
SYSTEM ENERGY RESOURCES, INC.
(Early Site Permit for Grand Gulf ESP Site)
Docket No. 52-009-ESP

Dear Administrative Judges:

It has come to my attention the paper copies of "NRC Staff Brief Concerning Environmental Issues," ("Brief") filed on October 23, 2006, were incorrectly photocopied and mailed without page 12 of the Brief. Although the electronic copy of the Brief served by e-mail and the original signed copy transmitted to the Secretary of the Commission contained page 12, the Staff includes a copy of that page with this letter.

The Staff regrets any inconvenience that may have been caused by this inadvertent error.

Sincerely,

Jonathan M. Rund
Counsel for NRC Staff

Enclosures: As stated

cc w/ encl: Office of Commission Appellate
Adjudication
Office of the Secretary
Kathryn Sutton, Esq.
Paul Bessette, Esq.
Debra A. Wolf

Accordingly, the Staff again concluded that none of the alternative sites was obviously superior to the Grand Gulf ESP site. FEIS at 9-7.

2. Balancing of the Conflicting Environmental Factors

The Board directed the parties to "analyze the balance among those conflicting environmental factors, with a view toward assisting the Board to determine the appropriate action to be taken regarding whether the ESP should be issued, denied, or appropriately conditioned to protect environmental values." Order at 2-3. In balancing the conflicting environmental factors discussed above, the Board should consider that there are no unavoidable adverse environmental impacts associated with the issuance of this ESP. Similarly, there are no irreversible and irretrievable commitments of resources and there are no short-term uses of the environment because the ESP will not authorize any activities by SERI that would have an environmental impact. However, the Board should also consider that issuance of an ESP may lead to construction and operation of a new nuclear facility under a COL that references this ESP. Although the construction and operation of a new nuclear facility may result in unavoidable impacts, most of these impacts could be mitigated, (*e.g.*, by reducing dust emissions with control plans, conducting surveys for protected species prior to construction, road improvements to offset traffic increases, and best management practices to reduce impingement and entrainment of aquatic species).

The Board should find that the fact that there are no environmental impacts associated with the issuance of this ESP, no irreversible and irretrievable commitments of resources, and no short-term use of the environment authorized by issuance of this ESP, weighs in favor of issuance of the ESP. Potential unavoidable adverse environmental impacts resulting from construction and operation of a new nuclear facility under a COL that references a Grand Gulf ESP should not weigh heavily against issuance of this ESP because many of these impacts can be mitigated. To the extent that the Staff has not resolved whether there are unavoidable