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G3NO-2008-00016

November 19, 2008

U. S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
Attention: Document Control Desk

DOCKET: No. 52-024

SUBJECT: Responses to NRC Requests for Additional Information, Letter No. 15  
(GG3 COLA)

REFERENCE: NRC Letter to Entergy Nuclear, *Request for Additional Information  
Letter No. 15 Related to Part 1, Financial Qualifications for the Grand  
Gulf Combined License Application, Revision 1*, dated  
October 22, 2008 (ADAMS Accession No. ML082810107)

Dear Sir or Madam:

In the referenced letter, the NRC requested additional information on three items to support the review of certain portions of the Grand Gulf Unit 3 Combined License Application (COLA). The responses to the following Requests for Additional Information (RAIs) are provided in Attachments 1, 2, and 3 to this letter:

1. RAI Question 01-2, Ownership and Corporate Information
2. RAI Question 01-3, Recovery of Construction Costs
3. RAI Question 01-4, Financial Qualifications

Should you have any questions, please contact me or Mr. Tom Williamson of my staff. Mr. Williamson may be reached as follows:

Telephone: (601) 368-5786

Mailing Address: 1340 Echelon Parkway  
Mail Stop M-ECH-21  
Jackson, MS 39213

E-Mail Address: twilli2@entergy.com

This letter contains commitments as identified in Attachment 4.

D088  
NR0

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 19, 2008.

Sincerely,



WKH/ghd

- Attachments:
1. Response to RAI Question No. 01-2
  2. Response to RAI Question No. 01-3
  3. Response to RAI Question No. 01-4
  4. Regulatory Commitments

cc (email unless otherwise specified):

**NRC**

NRC Project Manager – Grand Gulf Unit 3 COLA  
NRC Project Manager – North Anna Unit 3 COLA  
NRC Director – Division of Construction Projects (Region II)  
NRC Regional Administrator - Region IV  
NRC Resident Inspectors' Office - GGNS

Ms. B. Abeywickrama  
Mr. B. Baval  
Mr. M. Eudy  
Ms. T. Dozier  
Mr. D. Galvin  
Ms. A. Johnson  
Ms. S. Joseph  
Mr. T. Kevern  
Mr. A. Muniz  
Mr. E. Oesterle  
Ms. L. Perkins  
Mr. T. Tai

**Entergy**

Mr. T. A. Burke (ECH)  
Mr. C. E. Brooks (ECH)  
Mr. F. G. Burford (ECH)  
Mr. G. H. Davant (ECH)  
Mr. W. H. Hammett (M-ELEC)  
Mr. P. D. Hinnenkamp (ECH)  
Ms. D. Jacobs (ECH)  
Ms. K. J. Lichtenberg (L-ENT)  
Ms. D. Millar (ECH)  
Ms. L. A. Patterson (ECH)  
Mr. G. A. Rolfson (ECH)  
Mr. J. Smith (ECH)  
Mr. G. L. Sparks (ECH)  
Ms. K. A. Washington (L-ENT)  
Mr. T. L. Williamson (ECH)  
Mr. M. D. Withrow (ECH)  
Mr. G. A. Zinke (ECH)

Manager, Licensing (GGNS-1)  
Site VP (GGNS-1)

Corporate File [ 25 ]

**NuStart**

Mr. G. Cesare  
Mr. R. Grumbir  
Mr. T. Hicks  
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NuStart Records (eB)

**ENERCON**

Mr. A. Schneider  
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**Industry**

Mr. K. Ainger (Exelon)  
Mr. R. Bell (NEI)  
Ms. R. Borsh (Dominion)  
Mr. L. F. Drbal (Black & Veatch)  
Mr. S. P. Frantz (Morgan, Lewis & Bockius)  
Mr. J. Hegner (Dominion)  
Mr. B. R. Johnson (GE-Hitachi)  
Mr. P. Smith (DTE)

**ATTACHMENT 1**

**G3NO-2008-00016**

**RESPONSE TO NRC RAI LETTER NO. 15**

**RAI QUESTION NO. 01-2**

**RAI QUESTION NO. 01-2**

**NRC RAI 01-2**

Pursuant to 10 CFR 50.33(f)(4)(iii):

- a) In Section 1.1 – Applicants – Corporate Information, the application states that Entergy Mississippi, Inc. (EMI); Entergy Louisiana, LLC (ELL); and Entergy Gulf States Louisiana, L.L.C. (EGSL) will own GGNS Unit 3. However, the application also states that “The ownership shares among these three companies have not yet been determined.” The staff requests that the applicants state when the percentage of ownership of GGNS Unit 3 between EMI, ELL, and EGSL will be finalized.
- b) In Section 1.1 – Applicants – Corporate Information, please provide an abbreviated chart showing the relationship of EMI, ELL, and EGSL to the parent company, Entergy Corporation.

**Entergy Response**

- a) Currently, the project to be licensed under this application is expected to be owned 100% by a newly-formed company, Grand Gulf 3 Nuclear Development, LLC (GG3N). GG3N was formed as a Delaware limited liability company on September 19, 2008, under the Delaware Limited Liability Company Act Del. Code Ann. Title 6 § 18-101, et seq, as amended. GG3N is directly owned by EGSL, ELL, and EMI through its 100% directly owned subsidiary, EMI New Nuclear Development, LLC. These three Entergy regulated utility operating companies will be responsible for funding their proportionate shares of the obligations of GG3N through the terms of the GG3N corporate organizational or other agreements. Thus, although GG3N would be the “owner licensee” for 100% of GGNS Unit 3, it effectively would be subject to the cost-of-service ratemaking treatment obtained by its owners; i.e., those Entergy regulated utility companies that have elected to participate in GG3N.

At present, the project’s development funding, ownership, and power off-take are expected to reflect the following participation shares:

- ELL – 40%
- EGSL – 40%
- EMI – 20%

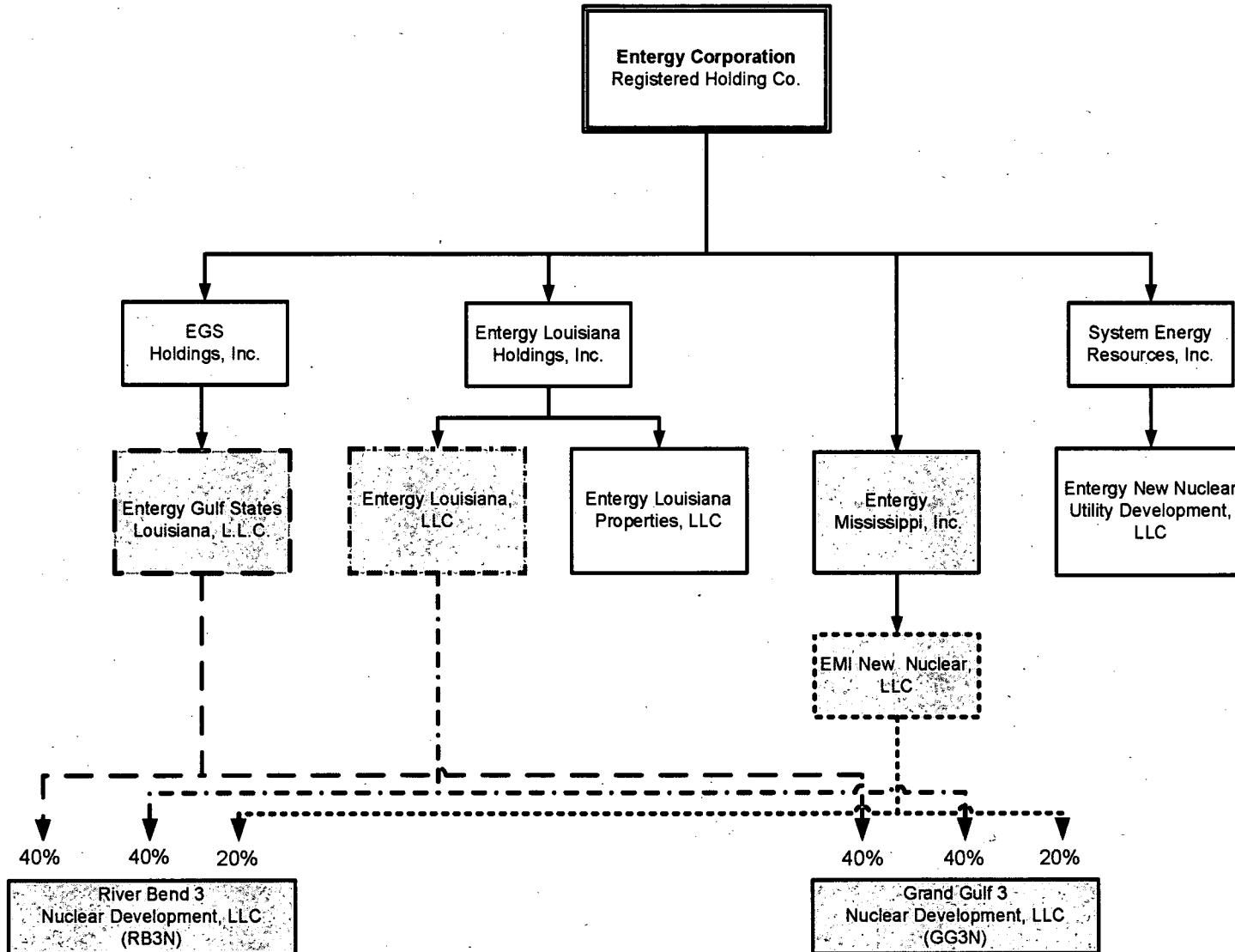
The final ownership shares for the project will be determined as a result of regulatory filings to be made by the participating operating companies with their retail regulators seeking project certification and approvals necessary to participate in project development and pre-construction phase activities. These filings are planned for early 2009 and are expected to result in regulatory decisions by early 2010.

Prior to commencing construction of the project, each of the participants must also receive regulatory approvals seeking authority to proceed with the construction phase of the project. These filings require information that is not currently available and, in part, will reflect outcomes from the licensing process and ongoing project development (such as licensing schedule, final design certification and associated project cost estimates, final EPC arrangements, financing plan, etc.). Based upon the current project licensing schedule, the "Decision to Construct" regulatory filings are expected to be made following attainment of the design certification and determination of the financial and construction plan for the project. Assuming the project is selected for construction for a 2018 timeframe commercial operation date, these milestones would be attained in the 2011-2012 timeframe.

- b) Currently, the project to be licensed under the GGNS Unit 3 COL application is expected to be owned entirely by GG3N, which in turn will be owned entirely (directly or indirectly) by Entergy's regulated utility operating companies EMI, ELL, and EGSL.

The diagram below shows the relationship between Entergy Corporation and the regulated utility subsidiaries participating in the project.

# Nuclear Project Structure – RB3N & GG3N



**Proposed COLA Revision**

The COLA will be revised to reflect the new applicant and ownership structure (i.e., GG3N). The revised application will contain the information concerning GG3N required by 10 CFR 50.33 [including 10 CFR 50.33(f)(4)]. Part 1 of the COLA will be revised to reflect three applicants: Grand Gulf 3 Nuclear Development, LLC (GG3N); System Energy Resources, Inc.; and Entergy Operations, Inc. The financial qualification of GG3N will be described and will be related to the financial qualifications of EMI, ELL, and EGSL, which are currently described in the COLA. Conforming changes will be made to FSAR Sections 1.1.2.2 and 1.4.1; and the Environmental Report, Chapter 1. The revision to the COLA is expected to be submitted to the NRC in February, 2009.



**ATTACHMENT 2**

**G3NO-2008-00016**

**RESPONSE TO NRC RAI LETTER NO. 15**

**RAI QUESTION NO. 01-3**

**RAI QUESTION NO. 01-3**

**NRC RAI 01-3**

Relative to Part 1, General and Administrative Information, Section 3.2.4, SOURCES OF CONSTRUCTION FUNDS, the COLA states:

[L]egislation has been introduced in Mississippi to grant favorable rate regulation for the construction of a new nuclear power plant....The expectation is that the new legislation will be signed into law and enacted by May 2008.

Pursuant to 10 CFR Part 50, Appendix C.I.A., please provide proper documentation of the legislation by the State of Mississippi that has or will be passed that will grant rate regulation to allow for the construction of costs to be recovered. The application only states that there is such legislation in progress and that it is likely to be passed by May 2008.

**Entergy Response**

The *Mississippi Baseload Legislation* was passed by the Mississippi Senate and House of Representatives on April 15, 2008 and April 16, 2008, respectively, and was signed by the Governor on May 9, 2008. This legislation is provided in this attachment on the following pages.

The legislation is effective on and after May 9, 2008, and is codified (as a new Article 2 to Chapter 3 to Title 77 of the Mississippi Code) at *Miss. Code Ann. Secs. 77-3-101 thru -109* (Supp. 2008).

**Proposed COLA Revision**

None

MISSISSIPPI LEGISLATURE  
2008 Regular Session  
To: Public Utilities  
By: Senator(s) Mettetal

## Senate Bill 2793

### *(As Sent to Governor)*

AN ACT TO CREATE A NEW ARTICLE TO BE CODIFIED AS ARTICLE 2, CHAPTER 3, TITLE 77, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE PUBLIC SERVICE COMMISSION TO UTILIZE AN ALTERNATE METHOD OF COST RECOVERY OF CERTAIN BASE LOAD GENERATION; TO CREATE A NEW SECTION TO BE CODIFIED AS SECTION 77-3-101, MISSISSIPPI CODE OF 1972, TO DECLARE FINDINGS OF THE LEGISLATURE; TO CREATE A NEW SECTION TO BE CODIFIED AS SECTION 77-3-103, MISSISSIPPI CODE OF 1972, TO DEFINE CERTAIN TERMS; TO CREATE A NEW SECTION TO BE CODIFIED AS SECTION 77-3-105, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE PUBLIC SERVICE COMMISSION TO INCLUDE IN AN ELECTRIC PUBLIC UTILITY'S RATE BASE CERTAIN EXPENDITURES DETERMINED TO BE PRUDENTLY-INCURRED PRE-CONSTRUCTION, CONSTRUCTION, OPERATING AND RELATED COSTS INCURRED IN CONNECTION WITH A CERTAIN BASE LOAD GENERATING FACILITY; TO CREATE A NEW SECTION TO BE CODIFIED AS SECTION 77-3-107, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE COMMISSION TO PROMULGATE RULES AND REGULATIONS THAT MAY INCLUDE A PREFERENCE FOR OWNERSHIP OF A GENERATING FACILITY BY AN INVESTOR-OWNED ELECTRIC PUBLIC UTILITY OR BY AN ELECTRIC PUBLIC UTILITY OWNING AND OPERATING GENERATION AND TRANSMISSION FACILITIES; TO CREATE NEW SECTION 77-3-109, MISSISSIPPI CODE OF 1972, TO CREATE A LEGISLATIVE ADVISORY BOARD TO PROVIDE CERTAIN OVERSIGHT TO THE PUBLIC SERVICE COMMISSION IN THE EXECUTION OF CERTAIN DUTIES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** The following shall be codified as Section 77-3-101, Mississippi Code of 1972:

77-3-101. The Legislature finds, determines and declares the following to be in the public interest and the policy of the State of Mississippi:

(a) To promote and foster the prudent, timely expansion and construction of, and long-term availability of, adequate and appropriate levels of electric generation by electric public utilities, as described in Section 77-3-3(d)(i), with diversity as to

the means of such generation and as to the sources of fuel for such generation, including nuclear fuel, coal and other reliable fuel sources;

(b) That such availability is essential to the orderly and effective operation of a reliable electric system in this state and will be vital to economic stability and growth within the State of Mississippi and to the public interest, and that the generation and related operations of electric public utilities are affected with the public interest;

(c) That new base load electric generating technologies are and will continue to be important in the planning and development of public utility electric generation, and that the State should take advantage of advances in nuclear, coal and other technologies, including technologies that reduce or minimize, or that facilitate the future reduction or minimization of, regulated air emissions;

(d) To take advantage of financial and other incentives afforded and provided by the federal Energy Policy Act of 2005 for the construction of certain electric generating facilities and any federal or state legislative or other incentives that may from time to time become available and to require that all such incentives be utilized for the benefit of such generating facilities;

(e) To promote and foster economic development; and

(f) To promote and foster the State of Mississippi's energy independence by encouraging the development and utilization of

fuel sources derived from the State of Mississippi's natural resources.

**SECTION 2.** The following shall be codified as Section 77-3-103, Mississippi Code of 1972:

77-3-103. As used in this article:

(a) The term "generating facility" means a new electric public utility base load generating facility located in the State of Mississippi having, or potentially having, base load-serving characteristics and incorporating such generating technologies or fuel sources as may be approved by the commission, including equipment or facilities relating thereto such as related, connected or necessary electric transmission facilities, and:

(i) Having, or planned or projected to have, an aggregate design capability, based upon manufacturer name plate rating or other appropriate rating as the commission may approve, of generating three hundred (300) megawatts or greater of electric power for a coal gasification or clean coal facility and eight hundred (800) megawatts or greater of electric power for a nuclear facility;

(ii) That, in whole or in part, is owned or controlled, or is planned or projected to be owned or controlled, by, or under common control with, an electric public utility certificated to operate as such by the commission with a certificated electric service area located within the State of Mississippi;

(iii) That is intended, in whole or in part, to serve retail customers of an electric public utility in Mississippi;

(iv) That utilizes technology to reduce or minimize, or to facilitate the future implementation of processes for the reduction or minimization of regulated air emissions; and

(v) That may, but shall not be required to, be located at an existing generating facility site.

(b) The term "pre-construction" means any and all activities or costs relating to planning, evaluation, screening, licensing, siting, design, development or other similar activities prior to the construction of a generating facility.

**SECTION 3.** The following shall be codified as Section 77-3-105, Mississippi Code of 1972:

77-3-105. (1) (a) The commission is fully empowered and authorized to include in an electric public utility's rate base and rates, as used and useful components of furnishing electric service, all expenditures determined to be prudently-incurred pre-construction, construction, operating and related costs that the utility incurs in connection with a generating facility (including but not limited to all such costs contained in the utility's "Construction Work in Progress" or "CWIP" accounts), whether or not the construction of any generating facility is ever commenced or completed, or the generating facility is placed into commercial operation. However, all costs incurred before the passage of this act may be reflected in rates only upon an order of the Public Service Commission after a finding of prudence.

(b) The commission is further empowered and authorized to allow a public utility to accrue a just and reasonable rate of return to be determined by the commission on the unrecovered balance of any pre-construction or construction costs which shall include all costs incurred before the passage of this act and such costs may be reflected in rates only upon an order of the Public Service Commission after a finding of prudence.

(c) The commission may order that pre-construction, construction, operating and related costs be reflected in rates either as a part of base rates or through the operation of a rider schedule or other similar rate mechanism, or through a combination thereof, as the commission deems appropriate and in the public interest, and such costs incurred before the passage of this act may be reflected in rates only upon an order of the Public Service Commission after a finding of prudence.

(d) Notwithstanding other provisions of this section, recovery of any construction costs incurred in excess of the amount estimated by the public utility in a certificate proceeding will be addressed by the commission in a proceeding after the generating facility is completed and commences commercial operation, upon petition by the public utility.

(e) Once the commission grants a facilities certificate, no public utility shall abandon or cancel construction of a generating facility without approval from the commission based on a finding that the construction is no longer in the public interest.

Notwithstanding any provisions of this act to the contrary, if the generating facility is abandoned or cancelled without the approval of the commission, the commission shall determine whether the public interest will be served to allow (i) the recovery of all or part of the prudently incurred pre-construction, construction and related costs in connection with the generating facility and related facilities, (ii) the recovery of a return on the unrecovered balance of the utility's prudently-incurred costs at a just and reasonable rate of return to be determined by the commission, or (iii) the implementation of credits, refunds or rebates to ratepayers to defray costs incurred for the generating facility.

(2) (a) The commission is authorized to conduct prudence reviews on a periodic or ongoing basis with regard to any pre-construction, construction, operating and related costs associated with a generating facility, to hold hearings thereon, and to reflect the outcome of such commission reviews, including commission prudence determinations, in the public utility's rates. The commission is authorized to make and issue such prudence determinations as frequently as each calendar quarter. The commission is authorized to set a procedural schedule for such commission determinations. Any such prudence determinations shall be binding in all future regulatory proceedings affecting such generating facility, unless the generating facility is imprudently abandoned or cancelled.

(b) The Executive Director of the Public Utilities Staff and the commission may enter into professional services contracts



with one or more consultants to audit pre-construction, construction and related costs incurred for a generating facility and to make such reports and provide testimony thereon as may be required by the executive director or the commission, as applicable. Such contracts shall be considered to be for auditor or utility rate expert services under Section 25-9-120. Costs associated with such professional service contracts shall not exceed Three Hundred Fifty Thousand Dollars (\$350,000.00) for work performed on any given nuclear generating facility and Two Hundred Thousand Dollars (\$200,000.00) on any given non-nuclear generating facility, in any twelve-month period; provided, however, the Public Utilities Staff and the commission may by rule, after notice and hearing, modify these amounts. The consultants shall submit periodically to the executive director or the commission, as applicable, for approval of payment, itemized bills detailing the work performed. The executive director or the chairman of the commission, as applicable, shall requisition the audited public utility to make the requisite payments to such consultants. Payments by the audited public utility shall be considered as pre-construction, construction, operating or related costs and recoverable pursuant to paragraph (c) of subsection (1).

(c) The provisions of Sections 77-3-37(7)(b) and 77-3-39(10) and (15) shall not apply to any proceeding for the change in rates by the commission in connection with a generating facility.

(3) Any party aggrieved by any final order of the commission relating to any generating facility shall have a right of direct

appeal to the Mississippi Supreme Court. The procedures set out in Section 77-3-72 for direct appeal, including those provisions relating to periods of time in which filings are to be made, shall apply to any commission final order promulgated, in whole or in part, pursuant to this Article 2.

**SECTION 4.** The following shall be codified as Section 77-3-107, Mississippi Code of 1972:

77-3-107. The commission is fully empowered and authorized to promulgate rules and regulations as may be necessary to effectuate the provisions of this act, which may include a preference for ownership, in whole or in part, of a generating facility by an investor-owned electric public utility operating in the State of Mississippi or by an electric public utility owning and operating generation and transmission facilities in the State of Mississippi that, prior to January 1, 2008, was organized under Chapter 184, Laws of 1936, and was comprised of corporate members each of which is an electric power association under Chapter 184.

**SECTION 5.** The following shall be codified as Section 77-3-109, Mississippi Code of 1972:

77-3-109. There is hereby created the Legislative Advisory Board on Alternate Method of Cost Recovery on Base Load Generation for the purpose of advising the Public Service Commission in the performance of its duties and to require the commission to make a written report to the advisory board every six (6) months regarding

any activities pertaining to base load generation. The advisory board shall be composed of the following:

(a) The Chairman and Vice Chairman of the House Public Utilities Committee, or their designees;

(b) The Chairman and Vice Chairman of the Senate Public Utilities Committee, or their designees;

(c) The Chairman of the House of Representatives Appropriations Committee, or his designee;

(d) The Chairman of the Senate Appropriations Committee, or his designee;

(e) The Chairman of the House of Representatives Ways and Means Committee, or his designee; and

(f) The Chairman of the Senate Finance Committee, or his designee.

Members of the advisory board shall receive per diem and expenses which shall be paid from the contingent expense funds of their respective houses in the same amounts as provided for committee meetings when the Legislature is not in session; however, no per diem and expenses for attending meetings of the advisory board shall be paid to legislative members while the Legislature is in session.

**SECTION 6.** This act shall take effect and be in force from and after its passage.

**ATTACHMENT 3**

**G3NO-2008-00016**

**RESPONSE TO NRC RAI LETTER NO. 15**

**RAI QUESTION NO. 01-4**

**RAI QUESTION NO. 01-4**

**NRC RAI 01-4**

Part 1, Section 3.2, Financial Qualifications

In "Section 1.1 Applicants-Corporate Information," the application states that "Entergy Operations, Inc. (EOI) will construct and operate GGNS Unit 3; EOI will not have ownership interest in GGNS Unit 3." Because the application identifies EOI, which is not an electric utility, as the constructor and operator of GGNS Unit 3, it needs to provide certain documentation in order to support its financial qualifications for the activities in which EOI seeks to be engaged under the license. In *Northern States Power Co. (Monticello Nuclear Generating Plant, et al)*, CLI-00-14, 52 NRC 37, 49-50 (2000), the Commission held that the operator was financially qualified if: the operator was only seeking to operate the plant and not fund operations; the owner was an electric utility; and the owner had a contractual obligation to assume full financial responsibility as documented by the Operating Services Agreement between the operator and the owner.

Therefore, please provide an Operating System Agreement between EOI and the proposed owner applicants of GGNS Unit 3 [Entergy Mississippi, Inc. (EMI); Entergy Louisiana, LLC (ELL); and Entergy Gulf States Louisiana, L.L.C. (EGSL)].

In addition, since EMI, ELL, and EGSL will be financing construction of GGNS Unit 3, please provide a comparable agreement that provides that the owner applicants will have a contractual obligation to the constructor, EOI, to assume full financial responsibility for funding the construction of GGNS Unit 3.

**Entergy Response**

Entergy currently expects that GGNS Unit 3 will be financed and constructed through a newly-formed company, Grand Gulf 3 Nuclear Development, LLC (GG3N). The plant will be fully owned by GG3N and will be the new entity's principal asset. GG3N is a 100% indirectly-owned subsidiary of Entergy Corporation. GG3N was formed as a Delaware limited liability company on September 19, 2008 under the Delaware Limited Liability Company Act Del. Code Ann. Title 6 § 18-101, et seq, as amended. GG3N is directly owned by EGSL, ELL, and EMI through its 100% directly-owned subsidiary, EMI New Nuclear Development, LLC (the "participating companies").

The "participating companies" are regulated utilities and will, either directly or indirectly, own and provide financial support for the construction and operational phases of the project. Therefore, the proposed owner, GG3N, should receive treatment as an electric utility as defined in 10 CFR 50.2 for purposes of 10 CFR 50.33(f) and 10 CFR 50.75(e)(1)(ii)(A). The "participating companies" have selected EOI to operate the project and act as their agent for the nuclear-related aspects of the construction of the project. EOI is only seeking to operate the plant and not fund operations.

The contractual agreement ("Operating Services Agreement") between the project's owner and EOI is under development but has not yet been finalized or executed. This agreement is expected to closely follow the agreements between EOI and Entergy's other regulated utility nuclear plants. For example, see the Grand Gulf Nuclear Station Operating Agreement provided to the NRC on February 17, 2005.<sup>1</sup>

This agreement (or a separate agreement) will address:

- a) Owner's contractual obligation to assume full financial responsibility
- b) Owner's obligations for construction costs, operating costs, and decommissioning funding
- c) Access control authorizations
- d) Authorizations from System Energy Resources, Inc. (SERI) to construct the facility on SERI-owned property

A ready-to-execute form of this agreement is expected during 2009 to support the regulatory filings for project certification and approvals necessary to participate in project development and pre-construction phase activities. Submittal of the ready-to-execute form of the agreement to the NRC is expected in October, 2009. Execution of these agreements with EOI would be expected to occur after regulatory approvals for the project prior to issuance of the COL.

#### **Proposed COLA Revision**

The COLA will be revised to reflect the new applicant and ownership structure (i.e., GG3N). The revised application will contain the information concerning GG3N required by 10 CFR 50.33 [including 10 CFR 50.33(f)(4)]. Part 1 of the COLA will be revised to reflect three applicants: GG3N, SERI, and EOI. The financial qualification of GG3N will be described and will be related to the financial qualifications of EMI, ELL, and EGSL, which are currently described in the COLA. Conforming changes will be made to FSAR Sections 1.1.2.2 and 1.4.1; and the Environmental Report, Chapter 1. The revision to the COLA is expected to be submitted to the NRC in February, 2009.

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<sup>1</sup> Letter from Entergy Operations, Inc. to NRC, *Response to Request for Additional Information - System Energy Resources, Inc., Early Site Permit Application for the Grand Gulf ESP Site (Office of General Counsel Review) (TAC NO. MC 1378)*, dated February 17, 2005 (ADAMS Accession No. ML050530327)

**ATTACHMENT 4**

**G3NO-2008-00016**

**REGULATORY COMMITMENTS**

**REGULATORY COMMITMENTS**

The following table identifies those actions committed to by Entergy in this document. Any other statements in this submittal are provided for information purposes and are not considered to be regulatory commitments.

COMMITMENT	TYPE (Check one)		SCHEDULED COMPLETION DATE (If Required)
	ONE-TIME ACTION	CONTINUING COMPLIANCE	
Entergy regulated utility operating companies EGSL, ELL, and EMI will be responsible for funding their proportionate shares of the obligations of GG3N through the terms of the GG3N corporate organizational or other agreements.		✓	
The COLA will be revised to reflect the new applicant and ownership structure (i.e., GG3N).	✓		COLA Rev. 1 submittal, 2/28/2009
The revised application will contain the information concerning GG3N required by 10 CFR 50.33 [including 10 CFR 50.33(f)(4)]: <ul style="list-style-type: none"> <li>• Part 1 of the COLA will be revised to reflect three applicants: Grand Gulf 3 Nuclear Development, LLC (GG3N), System Energy Resources, Inc., and Entergy Operations, Inc.</li> <li>• The financial qualification of GG3N will be described and will be related to the financial qualifications of EMI, ELL, and EGSL, which are currently described in the COLA.</li> <li>• Conforming changes will be made to FSAR Sections 1.1.2.2 and 1.4.1; and the Environmental Report, Chapter 1.</li> </ul>	✓		COLA Rev. 1 submittal, 2/28/2009
EGSL, ELL, and EMI will, either directly or indirectly, own and provide financial support for the construction and operational phases of the project.		✓	



COMMITMENT	TYPE (Check one)		SCHEDULED COMPLETION DATE (If Required)
	ONE-TIME ACTION	CONTINUING COMPLIANCE	
<p>A contractual agreement between the project owners and EOI will address:</p> <ul style="list-style-type: none"> <li>a) Owner's contractual obligation to assume full financial responsibility</li> <li>b) Owner's obligations for construction costs, operating costs, and decommissioning funding</li> <li>c) Access control authorizations</li> <li>d) Authorizations from SERI to construct the facility on SERI-owned property</li> </ul> <p>Entergy will submit to the NRC a ready-to-execute form of the agreement.</p>	✓		10/31/2009