



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

GULF STATES UTILITIES COMPANY

DOCKET NO. 50-459

RIVER BEND STATION, UNIT 2

CONSTRUCTION PERMIT

Construction Permit No. CPPR-146

1. The Nuclear Regulatory Commission (the Commission) having found that:
  - A. The application for a construction permit complies with the requirements of the Atomic Energy Act of 1954, as amended, and the rules and regulations of the Commission; there is reasonable assurance that the activities authorized by the permit will be conducted in compliance with the rules and regulations of the Commission; and all required notifications to other agencies or bodies have been duly made;
  - B. The Gulf States Utilities Company (the Applicant) has described the proposed design of the River Bend Station, Unit 2 (the facility), including, but not limited to, the principal architectural and engineering criteria for the design and has identified the major features or components incorporated therein for the protection of the health and safety of the public;
  - C. Such further technical or design information as may be required to complete the safety analysis, and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;
  - D. Safety features or components, if any, which require research and development have been described by the Applicant and the Applicant has identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components;

- E. On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facility and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public;
  - F. The Applicant is technically qualified to design and construct the proposed facility;
  - G. The Applicant is financially qualified to design and construct the proposed facility;
  - H. The issuance of a permit for the construction of the facility will not be inimical to the common defense and security or to the health and safety of the public; and
  - I. After weighing the environmental, economic, technical and other benefits of the facility against environmental and other costs and considering available alternatives, the issuance of a construction permit subject to the conditions for protection of the environment set forth herein is in accordance with 10 CFR Part 51, (formerly Appendix D to 10 CFR Part 50), of the Commission's regulations and all applicable requirements have been satisfied.
2. Pursuant to Section 103 of the Atomic Energy Act of 1954, as amended (the Act), and Title 10, Chapter I, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and pursuant to the Partial Initial Decisions, dated September 2, 1975, September 2, 1976, and February 3, 1977, all issued by the Atomic Safety and Licensing Board, and the Memorandum and Order dated March 22, 1977, issued by the Atomic Safety and Licensing Appeal Board, the Nuclear Regulatory Commission (the Commission) hereby issues a construction permit to the Applicant for a utilization facility designed to operate at 2894 megawatts thermal as described in the application and amendments thereto (the application) filed in this matter by the Applicant and as more fully described in the evidence received at the public hearing upon that application. The facility, known as the River Bend Station, Unit 2, will be located on the Applicant's site in West Feliciana Parish, Louisiana, on the east bank of the Mississippi River about 20 miles north-northwest of Baton Rouge.
3. This permit shall be deemed to contain and be subject to the conditions specified in Sections 50.54 and 50.55, of said regulations; is subject to all applicable provisions of the Act, and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the conditions specified or incorporated below:

- A. The earliest date for the completion of the facility is March 31, 1983, and the latest date for completion is March 31, 1985.
- B. The facility shall be constructed and located at the site as described in the application, in West Feliciana Parish, Louisiana.
- C. This construction permit authorizes the Applicant to construct the facility described in the application and the hearing record, in accordance with the principal architectural and engineering criteria and environmental protection commitments set forth therein.
- D. The Applicant is subject to the following antitrust conditions:
  - (1) Definitions
    - (1)(a) "Bulk Power" means the electric power, and any attendant energy, supplied or made available at transmission or subtransmission voltage by an entity from its generating facilities.
    - (1)(b) "Entity" means person, a private or public corporation, governmental agency, an association, a joint stock association, business trust, municipality, or rural electric cooperative owning, operating, or proposing to own or operate equipment or facilities for the generation, transmission, or distribution of electricity primarily for sale or resale to the public. Provided, that, except for municipalities, governmental agencies, or rural electric cooperatives, "entity" is further restricted to those which are or will be public utilities under the laws of the State in which the entity transacts or will transact business or under the Federal Power Act, and are or will be providing electric service under a contract or rate schedule on file with and subject to the regulation of a State regulatory commission or the Federal Power Commission.
    - (1)(c) "Cost" means all operating and maintenance expenses and ownership and capital costs properly allocable to the particular transaction. "Cost" to be shared by participants under paragraph (9) shall include all costs of acquisition, construction, ownership, capital, operation, and maintenance reasonably allocable to the subject unit. Costs shall include no value for loss of revenues from sale of power at wholesale or retail by one party to a customer which another party might otherwise serve, except as otherwise authorized by any regulatory authority having jurisdiction. Costs shall include a reasonable return on Applicant's investment.

- (2) The Applicant shall interconnect with and coordinate reserves by means of the sale and purchase of emergency and/or scheduled maintenance bulk power with any entity(ies) in or within reasonable proximity to Applicant's service area in Louisiana engaging in or proposing to engage in electric bulk power supply on terms that will provide for Applicant's costs in connection therewith and allow the other entity(ies) full access to the benefits and obligations of reserve coordination.
- (3) Such emergency service and/or scheduled maintenance service to be provided by each entity shall be furnished to the fullest extent available from the supplying entity and desired by the entity in need. Applicant and each entity(ies) shall provide to the other such emergency service and/or scheduled maintenance service if and when available from its own generation and from generation of others to the extent it can do so without impairing service to its customers including other electric systems to whom it has firm commitments.
- (4) Applicant and the other entity(ies) which is (are) party(ies) to a reserve sharing arrangement shall from time to time jointly establish the minimum reserves to be installed and/or provided as necessary to maintain in total a reserve margin sufficient to provide adequate reliability of power supply to the interconnected systems of the parties, consistent with good utility industry practice in the region. If Applicant plans its reserve margin on a pooled basis with other regional companies, the reserves jointly established hereunder shall be on the same basis. Unless otherwise agreed upon or established by such regional practice, minimum reserves shall be calculated as a percentage of estimated peak-load responsibility.

No party to the arrangement shall be required to maintain greater reserves than the percentage of its estimated peak-load responsibility which results from the aforesaid calculation; provided that if the reserve requirements of Applicant are increased over the amount Applicant would be required to maintain without such interconnection, then the other party(ies) shall be required to carry or provide for as its (their) reserves the full amount in kilowatts of such increase.

- (5) The entities which are parties to such a reserve sharing agreement shall provide such amounts of ready reserve capacity as may be adequate to avoid the imposition of unreasonable demands on the others in meeting the normal contingencies of operating its system. However, in no circumstances shall the ready reserve requirement exceed the installed reserve requirement.

- (6) Interconnections will not be limited to low voltages when higher voltages are available from Applicant's installed facilities in the area where interconnection is desired, when the proposed arrangement is found to be technically and economically feasible. Control and telemetering facilities shall be provided as required for safe and prudent operation of the interconnected systems.
- (7) Interconnection and coordination agreements shall not embody any unlawful or unreasonably restrictive provisions pertaining to intersystem coordination. Good industry practice as developed in the area from time to time (if not unlawfully or unreasonably restrictive) will satisfy this provision.
- (8) Applicant will sell (when available) bulk power at its costs to or purchase (when needed) bulk power from any other entity(ies) in or within reasonable proximity to Applicant's service area in Louisiana engaging in or proposing to engage in generation of electric power at such entity(ies) cost when such transactions would serve to reduce the overall costs of new such bulk power supply, each for itself and for the other party(ies) to the transactions and would serve to coordinate the planning of new generation, transmission, and related facilities by both the Applicant and the other entity. This provision shall not be construed to require Applicant to purchase or sell bulk power if it finds such purchase or sale infeasible or its costs in connection with such purchase or sale would exceed its benefits therefrom.
- (9) Applicant and any successor in title, shall offer an opportunity to participate in River Bend Station, Units 1 and 2 for the term of the instant licenses, or any extensions or renewals thereof, or such shorter term as Applicant and the participant(s) may mutually agree upon, to any entity(ies) in or within reasonable proximity to Applicant's service area in the State of Louisiana which has in writing requested participation therein prior to March 1, 1974, and which no later than March 31, 1975 has entered into any executory contract with respect to such participation, having taken all necessary action for it to lawfully do so prior to so doing, to a fair and reasonable extent and on reasonable terms and conditions and on a basis that will fully compensate Applicant for its costs incurred and to be incurred and that will not adversely affect the financing and constructing of such nuclear units. Applicant shall similarly offer an opportunity to participate in any additional nuclear generating unit(s) the power from which is intended for use in Applicant's general system operations, which the Applicant may construct, own, and operate in Louisiana during the term of the instant license(s), or any extension(s) or renewal(s), thereof.

Participation shall be either by ownership of or purchase of unit participation power from the respective nuclear units. Participation in any form shall be on an equitable basis whereby the participants, in proportion to their interests, share fully in all costs and risks of the respective nuclear units. In connection with such participation, Applicant will offer transmission service as may be required for delivery of such power to such participant(s) on a basis that will fully compensate Applicant for its costs.

- (10) Applicant shall facilitate the exchange of bulk power by transmission over its transmission facilities between two or more entities engaging in bulk power supply in its service area in Louisiana with which it is interconnected; and between any such entity(ies) and any entity(ies) engaging in bulk power supply outside Applicant's service area in Louisiana between whose facilities Applicant's transmission lines and other transmission lines would form a continuous electrical path; provided that (i) permission to utilize such other transmission lines has been obtained by the entities involved; (ii) Applicant has appropriate agreements for transmission service with the entities interconnected with Applicant at both the receiving and delivery points on Applicant's system; and (iii) the arrangements reasonably can be accommodated from a functional and technical standpoint. Such transmission shall be on terms that fully compensate Applicant for its cost. Any entity(ies) requesting such transmission arrangements shall give reasonable advance notice of its (their) schedule and requirements. (The foregoing applies to any entity(ies) engaging in bulk power supply to which Applicant may be interconnected in the future as well as those to which it is now interconnected).
- (11) Applicant shall include in its planning and construction program sufficient transmission capacity as required for the transactions referred to in paragraph (10); provided, that any entity(ies) in its service area in Louisiana gives Applicant sufficient advance notice as may be necessary to accommodate its (their) requirements from a functional and technical standpoint and that such entity(ies) fully compensate Applicant for its cost. Applicant shall not be required to construct transmission facilities which will be of no demonstrable present or future benefit to Applicant.
- (12) Applicant will sell power (when available) for resale to any entity(ies) in its service area in Louisiana now engaging in or proposing in good faith to engage in retail distribution of electric power, whenever power to meet the needs of such entity(ies) is not available from alternate sources at competitive costs.

- (13) The foregoing conditions shall be in all respects implemented on reasonable terms and conditions in a manner consistent with the provisions of the Federal Power Act and other applicable Federal and State laws and regulatory orders, and shall be subject to force majeure, applicable curtailment programs, and engineering and technical feasibility for Applicant's system. None of the foregoing conditions shall require Applicant to sell power, perform any service, or engage in any course of action on a basis which would be unlawfully preferential or discriminatory under any applicable law or that would impair Applicant's ability to render adequate and reliable service to its own customers. All rates, charges or practices in connection therewith are to be subject to the approval of regulatory agencies having jurisdiction over them.
- E. This facility is subject to the following conditions for the protection of the environment:
- (1) The Applicant shall take whatever mitigating actions are necessary, including those expressed in Section 4.5 of the Final Environmental Statement (FES), dated September 1974, to avoid unnecessary adverse environmental impacts from construction of the facility and associated transmission lines.
  - (2) The Applicant will conduct its proposed preoperational monitoring programs as described in Section 6.1 of its Environmental Report and as summarized in Chapter 6 of the FES including the Staff's recommendations in Section 6.1.4 of the FES.
  - (3) The Applicant shall establish a control program which will include written procedures and instructions for purposes of controlling all construction activities and additionally, the Applicant's program will provide for periodic management audits for the determination of the adequacy of implementation of environmental conditions. Moreover, the Applicant will maintain sufficient records of evidence of compliance with all the environmental conditions.
  - (4) The Applicant will prepare and record an environmental evaluation of any construction activities not previously evaluated by the Commission, before engaging in such activities. If there is an indication that such activities could result in a significant adverse environmental impact or that the impact is significantly greater than measured in the FES, the Applicant shall provide a written evaluation of such activities and shall obtain the prior written approval of the Director of Nuclear Reactor Regulation for such activities.

- (5) If unexpected harmful effects or evidences of serious damage are detected during construction of the facility, the Applicant will provide to the Staff an acceptable analysis of the problem and a plan of action to eliminate or significantly reduce such harmful effects or damage.
  - (6) Construction of the facility may result at times in temporary closing of the roads in the vicinity of the site. The Applicant shall assure that safety and continuous access between St. Francisville, Louisiana and all affected properties is maintained throughout the duration of such closures.
  - (7) The Applicant shall devise and the staff review and approve, a system checking not only the positions of dairy animals, but also the population drinking milk from those animals and the feeding practices in use in the area in order to assure that, when the time is ripe for consideration of an operating license, and thereafter, projected iodine doses can be recalculated to reflect conditions then extant. If site specific parameters previously relied upon change to the extent that the facility no longer complies with applicable regulations, the facility will have to be modified (by equipment or operation) so that it does conform.
  - (8) In accordance with the requirements imposed by the October 8, 1976 Order of the United States Court of Appeals for the District of Columbia Circuit in Natural Resources Defense v. Nuclear Regulatory Commission, No. 74-1385 and 74-1586, that the Nuclear Regulatory Commission "shall make any licenses granted between July 21, 1976 and such time when the mandate is issued subject to the outcome of the proceedings herein," the construction permit issued herein shall be subject to the outcome of such proceedings.
4. This permit is subject to the limitation that a license authorizing operation of the facility will not be issued by the Commission unless (a) the Applicant submits to the Commission the complete final safety analysis report, portions of which may be submitted and evaluated from time to time; (b) the Commission finds that the final design provides reasonable assurance that the health and safety of the public will not be endangered by the operation of the facility in accordance with procedures approved by it in connection with the issuance of said license; (c) the Commission finds that operation of the facility will be in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements were satisfied; and (d) the Applicant submits proof of financial protection and executes an indemnity agreement as required by Section 170 of the Act.

5. This permit is effective as of its date of issuance and shall expire on the latest completion date indicated in paragraph 3.A above.

FOR THE NUCLEAR REGULATORY COMMISSION

*(Signature)*  
Roger S. Boyd

Roger S. Boyd, Director  
Division of Project Management  
Office of Nuclear Reactor Regulation

Date of Issuance:

MAR 25 1977