

July 16, 2003

Mr. Paul D. Hinnenkamp
Vice President - Operations
Entergy Operations, Inc.
River Bend Station
P. O. Box 220
St. Francisville, LA 70775

SUBJECT: RIVER BEND STATION, UNIT 1 - ISSUANCE OF AMENDMENT RE:
REPORTING REQUIREMENTS FOR OPERATING LICENSE CONDITION
VIOLATIONS (TAC NO. MB4635)

Dear Mr. Hinnenkamp:

The Commission has issued the enclosed Amendment No. 135 to Facility Operating License (FOL) No. NPF-47 for the River Bend Station, Unit 1. The amendment consists of changes to the FOL and the Technical Specifications (TSs) in response to your application dated March 20, 2002, as supplemented by your letter dated May 28, 2003.

The amendment revises the reporting requirements specified in Section 2.E of the FOL and TS Section 5.6.4 by eliminating requirements that provide the U.S. Nuclear Regulatory Commission with information that is not risk significant, and changes the reporting time period to be consistent with Section 50.73 of Title 10 of the *Code of Federal Regulations*.

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/

Michael K. Webb, Senior Project Manager, Section 1
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-458

Enclosures: 1. Amendment No. 135 to NPF-47
2. Safety Evaluation

cc w/encls: See next page

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*SE input provided - no major changes made

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OFFICIAL RECORD COPY

ENTERGY GULF STATES, INC. **

AND

ENTERGY OPERATIONS, INC.

DOCKET NO. 50-458

RIVER BEND STATION, UNIT 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 135
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 March 20, 2002, and the supplemental letter dated May 28, 2003, comply 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 Facility Operating License and Technical Specifications as indicated in the attachment to this license amendment, and Paragraphs 2.C.(2) and 2.E of Facility Operating License No. NPF-47 are hereby amended to read as follows:
- C.(2) Technical Specifications and Environmental Protection Plan
- The Technical Specifications contained in Appendix A, as revised through Amendment No. 135 and the Environmental Protection Plan contained in Appendix B, are hereby incorporated in the license. EOI shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.
- E. Except as otherwise provided in the Technical Specifications or Environmental Protection Plan, EOI shall report any violations of the requirements contained in Section 2, Items C.(1); C(3) through (9); and C.(11) through (16) of this license in the following manner: initial notification shall be made within 24 hours to the NRC Operations Center via the Emergency Notification System with written followup within 60 days in accordance with the procedures described in 10 CFR 50.73(b), (c), and (e).
3. The license amendment is effective as of its date of issuance and shall be implemented within 30 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 Facility
Operating License and
Technical Specifications

Date of Issuance: July 16, 2003

ATTACHMENT TO LICENSE AMENDMENT NO. 135

FACILITY OPERATING LICENSE NO. NPF-47

DOCKET NO. 50-458

Replace the following pages of the Facility Operating License and Appendix A Technical Specifications with the attached revised pages. The revised pages are identified by Amendment number and contain marginal lines indicating the areas of change.

Remove

Insert

Facility Operating License

7

7

Appendix A Technical Specifications

5.0-18

5.0-18

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 135 TO

FACILITY OPERATING LICENSE NO. NPF-47

ENTERGY OPERATIONS, INC.

RIVER BEND STATION, UNIT 1

DOCKET NO. 50-458

1.0 INTRODUCTION

By application dated March 20, 2002, Entergy Operations, Inc. (the licensee), requested changes to Facility Operating License (FOL) No. NPF-47 and the Technical Specifications (TSs) for the River Bend Station, Unit 1 (RBS). The supplemental letter dated May 28, 2003, did not expand the scope of the application as originally noticed, and did not change the U.S. Nuclear Regulatory Commission (NRC or the Commission) staff's original proposed no significant hazards consideration determination as published in the *Federal Register* on April 30, 2002 (67 FR 21286).

The proposed changes would revise the reporting requirements specified in Section 2.E of the FOL and TS Section 5.6.4 by eliminating requirements that provide the NRC with information that is not risk significant, and changes the reporting time period to be consistent with Section 50.73 of Title 10 of the *Code of Federal Regulations* (10 CFR).

Specifically, the licensee requested that:

1. The reporting requirements specified in Section 2.E of the FOL, which requires notification of any violations of the requirements contained in Section 2.C of the FOL, be revised to require notification of violations of Section 2, Items C.(1); C.(3) through (9); and C.(11) through (16). The change will remove the Technical Specifications and Environmental Protection Plan (EPP) and Fire Protection (Section 9.5.1 SER [Safety Evaluation Report] and SSER [Supplemental SER] 3) from the reporting requirements specified in Section 2.E and provide a reporting time consistent with 10 CFR 50.73. However, license conditions 2.C.(2) and 2.C.(10) will continue to remain in effect.
2. RBS TS 5.6.4, which requires the licensee to provide documentation of all challenges to the main steam safety/relief values in the Monthly Operating Report, be deleted.

In the original application dated March 20, 2002, the licensee requested the removal of the reporting requirements specified in Section 2.E of the FOL relating to Merger Related Reports and Antitrust Conditions. The licensee later reevaluated and withdrew this portion of their request as stated in their supplemental letter dated May 28, 2003.

2.0 REGULATORY EVALUATION

Section 182a of the Atomic Energy Act of 1954, as amended (the Act), requires applicants for nuclear power plant operating licenses to include TSs as part of the license. The TSs ensure the operational capability of structures, systems, and components that are required to protect the health and safety of the public. The Commission's regulatory requirements that are related to the content of the TSs are contained in 10 CFR 50.36. That regulation requires that the TSs include items in the following specific categories: (1) safety limits, limiting safety system settings, and limiting control settings (50.36(c)(1)); (2) limiting conditions for operation (LCOs) (50.36(c)(2)); (3) surveillance requirements (50.36(c)(3)); (4) design features (50.34(c)(4)); and (5) administrative controls (50.36(c)(5)).

In general, there are two classes of changes to TSs: (1) changes needed to reflect modifications to the design basis (TSs are derived from the design basis), and (2) voluntary changes to take advantage of the evolution in policy and guidance as to the required content and preferred format of TSs over time. This amendment deals with the second class of changes. In determining the acceptability of such changes, the staff interprets the requirements of the current version of 10 CFR 50.36, using as a model the accumulation of generically approved guidance in the improved Standard Technical Specification (STS) NUREGs. For this review the NRC staff used NUREG-1434, Revision 2, "Standard Technical Specifications, General Electric Plants, BWR/6," dated October 10, 2001. This NUREG incorporates the general guidance and LCO scoping criteria provided by the Commission's "Final Policy Statement on Technical Specification Improvement for Nuclear Power Reactors," published in the *Federal Register* on July 22, 1993 (58 FR 39132), and incorporated in 10 CFR 50.36 effective August 18, 1995.

Within this general framework, licensees may remove material from their TSs on two conditions: (1) the material is not required to be in the TSs based on the staff interpretation of 10 CFR 50.36, including judgements about the level of detail required in the TSs; and (2) there exists suitable alternative regulatory controls for the material.

Licensees may revise the remaining TSs to adopt current improved STS format and content, provided that plant-specific review supports a finding of continued adequate safety because: (1) the change is editorial, administrative, or provides clarification (i.e., no requirements are materially altered); (2) the change is more restrictive than the licensee's current requirement; or (3) the change is less restrictive than the licensee's current requirement, but nonetheless still affords adequate assurance of safety when judged against current regulatory standards.

Licensees may also revise the TSs involving the reporting of events in order to comply with 10 CFR 50.72, "Immediate notification requirements for operating nuclear power reactors," and 10 CFR 50.73, "Licensee event report system." Section 50.72 of 10 CFR provides the immediate notification requirements for nuclear power plants. The regulation at 10 CFR 50.73 defines the events that require reporting, together with the reporting frequency.

The detailed application of this general framework and additional specialized guidance are discussed in Section 3.0 of this Safety Evaluation in the context of the specific proposed changes.

3.0 TECHNICAL EVALUATION

The staff has reviewed the licensee's regulatory and technical analyses in support of its proposed license amendment, which are described in Attachment 1 of the licensee's submittal dated March 20, 2002, and in Attachment 1 of the licensee's supplement dated May 28, 2003. The staff's detailed evaluation is set forth below.

3.1. Facility Operating License Condition 2.C

Section 2.E of the Facility Operating License currently requires initial notification of violations of the requirements that are contained in License Condition 2.C within 24 hours, followed by a written report within 30 days. In contrast, 10 CFR 50.72 requires immediate notification of an event at nuclear power plants and 10 CFR 50.73, which, as stated in section 50.73(g), replaces "all existing requirements for licensees to report 'Reportable Occurrences' as defined in individual plant Technical Specifications," requires submission of a Licensee Event Report within 60 days after discovery of an event. The licensee proposes to delete the requirement to provide notification of violations of two requirements in License Condition 2.C (2.C.(2), Technical Specifications and Environmental Protection Plan and 2.C.(10), Fire Protection). In addition, the required time for the submittal of written followup for violations of other License Conditions will be extended from 30 to 60 days consistent with 10 CFR 50.73. The staff reviewed the licensee's proposed revisions to these requirements as discussed below.

3.1.1 Facility Operating License Condition 2.C.(2)

Section 2.E of the FOL currently requires notification of violations of the requirements that are contained in License Condition 2.C.(2), "Technical Specifications and Environmental Protection Plan." The staff reviewed the licensee's proposed revisions involving TS and concludes that these TS revisions are acceptable because event notification and reporting are adequately governed by 10 CFR 50.72 and 10 CFR 50.73.

With respect to the licensee's proposal regarding violations of the EPP, the result of the proposed change will be that the licensee will rely on the requirements contained within the EPP, itself, to specify environmental reporting. Section 5.4 of the EPP specifies the requirements for routine reporting in the Annual Environmental Operating Report and also requires submittal of a written report within 30 days of occurrence of a nonroutine event. The proposed change involves administrative requirements only; therefore, the plant's design basis and the Updated Safety Analysis Report accident analysis are not affected. In addition, none of these reporting requirements support the plant's emergency plan.

License Condition 2.C.(2), requiring that the licensee operate the RBS facility in accordance with the EPP and specifying reporting associated with the EPP, is not affected by the proposed change. Significant violations of relevant permits normally require notification to other governmental agencies such as the Environmental Protection Agency or the appropriate State agency. NRC notification for these occurrences will continue to be required in accordance with 10 CFR 50.72(b)(2)(xi). These reporting requirements are unaffected by the proposed change and will continue to ensure that any environmentally-significant event will result in NRC notification.

The result of this change will be that Facility Operating License Section 2.E reporting requirements will only address license conditions that are risk-significant and that have no associated 10 CFR 50.72 or 10 CFR 50.73 reporting requirements. Due to the administrative nature of this proposed change, it will have no impact on the NRC's ability to effectively regulate RBS.

3.1.2 Facility Operating License Condition 2.C.(10)

Section 2.E of the FOL currently requires notification of violations of License Condition 2.C.(10), "Fire Protection (Section 9.5.1 SER and SSER 3)." The staff has determined that deletion of this reporting requirement is acceptable because event notification and reporting are adequately governed by 10 CFR 50.72 and 10 CFR 50.73.

3.2 Technical Specification 5.6.4, "Reporting Requirements"

TS Section 5.6.4 currently requires documentation of all challenges to the main steam safety/relief valves in the Monthly Operating Report (MOR). The licensee proposes to remove this requirement from the MOR based on Generic Letter (GL) 97-02, "Revised Contents of the Monthly Operating Report," which informed licensees that the NRC is requesting the submittal of less information in the MOR. GL 97-02 requests reporting operating statistics and shutdown experience needed to support the NRC Performance Indicator Program and availability and capacity statistics; however, GL 97-02 does not specifically identify reporting challenges to the main steam safety/relief valves in the MOR, nor are these valves specifically identified in the standard industry guidelines contained in NUREG-1434. The staff concludes that this change is acceptable because the change is consistent with GL 97-02 and that 10 CFR 50.73 provides assurance of adequate reporting of safety significant events, including those involving main steam safety/relief valves.

3.3 Technical Conclusion

This license amendment request proposes the following changes to the RBS FOL and TSs: (1) replace the initial notification of violations of the TS requirements in License Condition 2.C.(2) with the immediate notification requirements of 10 CFR 50.72, and extend the time for filing a written report from 30 days to 60 days in accordance with 10 CFR 50.73; and (2) remove the requirement to document all challenges to the main steam safety/relief valves in the MOR.

The staff reviewed the proposed changes for compliance with 10 CFR 50.36, 10 CFR 50.72, 10 CFR 50.73, and agreement with the guidance established in NUREG-1434. On this basis, the NRC staff concludes that the proposed changes to the RBS FOL and TSs are acceptable.

4.0 STATE CONSULTATION

In accordance with the Commission's regulations, the Louisiana State official was notified of the proposed issuance of the amendment. The State official had no comments.

5.0 ENVIRONMENTAL CONSIDERATION

The proposed amendment relates to changes in recordkeeping, reporting, or administrative procedures or requirements. Accordingly, the amendment meets 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 amendment authorizing the proposed change.

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.

Principal Contributors: P. Hearn
J. Wilson

Date: July 16, 2003

River Bend Station

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