

February 7, 1990

Docket No. 50-305

DISTRIBUTION:

Mr. Ken H. Evers  
Manager - Nuclear Power  
Wisconsin Public Service  
Corporation  
P.O. Box 19002  
Green Bay, Wisconsin 54037-9002

Docket Files NRC & Local PDRs  
PDIII-3 r/f JZwolinski  
JHannon MDavis  
PKreutzer OGC-WF1  
EJordan ACRS(10)  
PDIII-3 Gray

Dear Mr. Evers:

SUBJECT: KEWAUNEE NUCLEAR POWER PLANT (TAC NO. 75891)

Enclosed is a "Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No significant Hazards Consideration Determination and Opportunity for Hearing" concerning your application for amendment dated January 29, 1990, to decrease the refueling shutdown margin from greater than or equal to 10% delta K/K to greater than or equal to 5% delta K/K.

Sincerely,

/s/

Michael J. Davis, Project Manager  
Project Directorate III-3  
Division of Reactor Projects - III,  
IV, V and Special Projects  
Office of Nuclear Reactor Regulation

Enclosure:  
As stated

cc: See next page

DOCUMENT NAME: 75891 NSHC FRN

Office: LA/PDI-3  
Surname: PKreutzer  
Date: 2/7/90

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MDavis/tg  
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JHannon  
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Mr. Ken H. Evers  
Wisconsin Public Service Corporation

Kewaunee Nuclear Power Plant

cc:  
David Baker, Esquire  
Foley and Lardner  
P. O. Box 2193  
Orlando, Florida 32082

Glen Kunesh, Chairman  
Town of Carlton  
Route 1  
Kewaunee, Wisconsin 54216

Mr. Harold Reckelberg, Chairman  
Kewaunee County Board  
Kewaunee County Courthouse  
Kewaunee, Wisconsin 54216

Chairman  
Public Service Commission of Wisconsin  
Hill Farms State Office Building  
Madison, Wisconsin 53702

Attorney General  
114 East, State Capitol  
Madison, Wisconsin 53702

U.S. Nuclear Regulatory Commission  
Resident Inspectors Office  
Route #1, Box 999  
Kewaunee, Wisconsin 54216

Regional Administrator - Region III  
U.S. Nuclear Regulatory Commission  
799 Roosevelt Road  
Glen Ellyn, Illinois 60137

Mr. Robert S. Cullen  
Chief Engineer  
Wisconsin Public Service Commission  
P.O. Box 7854  
Madison, Wisconsin 53707

UNITED STATES NUCLEAR REGULATORY COMMISSION  
WISCONSIN PUBLIC SERVICE CORPORATION, ET AL.

DOCKET NO. 50-305

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO  
FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS  
CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The U. S. Nuclear Regulation Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-43, issued to the Wisconsin Public Service Corporation, Wisconsin Power and Light Company, and Madison Gas and Electric Company (the licensee), for operation of the Kewaunee Nuclear Power Plant, located in Kewaunee County, Wisconsin.

The amendment would revise the refueling shutdown margin requirement from greater than or equal to 10% delta K/K to greater than or equal to 5% delta K/K. Specification 1.j would be changed to revise the definition of refueling mode. Specification 3.8.a.5 would be revised to insert the words "and a shutdown margin of greater than or equal to 5% delta K/K" and to make the boron analysis requirement a separate sentence. The corresponding basis sections would be revised accordingly.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated;

or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination is provided below.

The proposed changes would not involve a significant increase in the probability or consequences of an accident previously evaluated. The refueling shutdown margin is an initial condition for the dilution during refueling accident which is discussed in section 14.1 of the Kewaunee Nuclear Power Plant (KNPP) Updated Safety Analysis Report. The accident is initiated by a malfunction, or operator error which adds unborated water to the reactor coolant system via the chemical volume and control system. Since the proposed change will not increase the probability of initiating a dilution event, a reduction in the refueling shutdown margin will not increase the probability of this accident.

The consequences of this event are an unwanted increase in reactivity, and a decrease in shutdown margin which could allow the core to reach a critical condition leading to a release of radioactive materials. An analysis performed for a typical KNPP reload core demonstrates that the operator has ample time to recognize the event from the audible count rate signal and take manual action to isolate the makeup water source before shutdown margin is eliminated and a release of radioactive materials occurs. Therefore, the consequences of an accident previously evaluated are not significantly increased.

The proposed changes would not create the possibility of a new or different kind of accident from any accident previously evaluated. No system or plant modifications are involved; therefore, the proposed change will not create the possibility of a new or different kind of accident.

The proposed changes would not involve a significant decrease in the margin of safety. The proposed change will decrease the refueling shutdown margin from greater than or equal to 10% delta K/K to greater than or equal to 5% delta K/K. This is a relaxation in an initial condition for the dilution during refueling accident. However, the margin of safety is not significantly reduced because there is typically 61 minutes between the 5% shutdown condition and criticality. The audible count rate interval will double each time the shutdown margin is halved. The operators will have ample time to identify this condition and take appropriate manual action to isolate the reactor makeup water source. Therefore, the decrease in the margin of safety is not significant.

Accordingly, the Commission proposes to determine that the proposed amendment involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By March 19, 1990 , the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C. 20555 and at the local public document room located at the University of Wisconsin Library Learning Center, 2420 Nicolet Drive, Green Bay, Wisconsin 54301. If a request for a hearing or petition

for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR §2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a

supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration.

The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room,

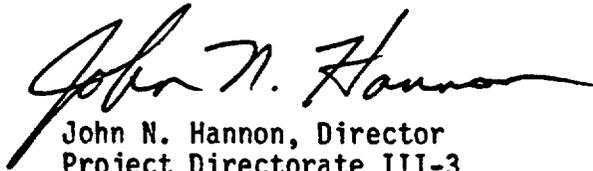
the Gelman Building, 2120 L Street, N.W. Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1 (800) 325-6000 (in Missouri 1 (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John N. Hannon: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this FEDERAL REGISTER notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to David Baker, Esq., Foley and Lardner, P. O. Box 2193, Orlando, Florida 31082, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board that the petition and/or request, should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated January 29, 1990, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W. Washington, D.C. 20555, and at the University of Wisconsin Library Learning Center, 2420 Nicolet Drive, Green Bay, Wisconsin 54301.

Dated at Rockville, Maryland, this 7th day of February 1990.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in black ink, reading "John N. Hannon". The signature is written in a cursive style with a long, sweeping underline.

John N. Hannon, Director  
Project Directorate III-3  
Division of Reactor Projects - III  
IV, V and Special Projects  
Office of Nuclear Reactor Regulation