

September 9, 1998

Mr. M. L. Marchi
Site Vice President - Kewaunee Plant
Wisconsin Public Service Corporation
P.O. Box 19002
Green Bay, WI 54307-9002

SUBJECT: NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY
OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING -
KEWAUNEE NUCLEAR POWER PLANT (TAC NO. MA1499)

Dear Mr. Marchi:

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 April 8, 1998, as modified by letter dated August 27, 1998. The proposed amendment would revise the Technical Specifications to decrease the allowable reactor coolant specific activity (dose equivalent Iodine-131) as described in Generic Letter 95-05.

This Notice was forwarded to the Office of the Federal Register for publication.

Sincerely,

Original signed by:

William O. Long, Sr. Project Manager
Project Directorate III-3
Division of Reactor Projects III/IV
Office of Nuclear Reactor Regulation

Docket No. 50-305

Enclosure: Notice

cc w/encl: See next page

DISTRIBUTION:

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RBellamy Lead PM OGC ACRS (4)
GGrant

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NAME	WLong ✓		EBarnhill <i>EB</i>			RBellamy <i>mb</i>	
DATE	9/13/98		9/13/98		1/98	9/13/98	

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

September 9, 1998

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Site Vice President - Kewaunee Plant
Wisconsin Public Service Corporation
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Green Bay, WI 54307-9002

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Sincerely,

A handwritten signature in cursive script that reads "William O. Long, Sr.".

William O. Long, Sr. Project Manager
Project Directorate III-3
Division of Reactor Projects III/IV
Office of Nuclear Reactor Regulation

Docket No. 50-305

Enclosure: Notice

cc w/encl: See next page

M. L. Marchi
Wisconsin Public Service Corporation

Kewaunee Nuclear Power Plant

cc:

Foley & Lardner
ATTN: Bradley D. Jackson
One South Pinckney Street
P.O. Box 1497
Madison, WI 53701-1497

Chairman
Town of Carlton
Route 1
Kewaunee, WI 54216

Harold Reckelberg, Chairman
Kewaunee County Board
Kewaunee County Courthouse
Kewaunee, WI 54216

Attorney General
114 East, State Capitol
Madison, WI 53702

U.S. Nuclear Regulatory Commission
Resident Inspectors Office
Route #1, Box 999
Kewaunee, WI 54216-9511

Regional Administrator - Region III
U.S. Nuclear Regulatory Commission
801 Warrenville Road
Lisle, IL 60532-4531

James D. Loock, Chief Engineer
Public Service Commission
of Wisconsin
P. O. Box 7854
Madison, WI 53707-7854

UNITED STATES NUCLEAR REGULATORY COMMISSIONWISCONSIN PUBLIC SERVICE CORPORATIONWISCONSIN POWER AND LIGHT COMPANYANDMADISON GAS AND ELECTRIC COMPANYDOCKET NO. 50-305NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO
FACILITY OPERATING LICENSE, PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION, AND OPPORTUNITY FOR A HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-43 issued to 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, WI.

The proposed amendment would reduce the maximum allowable level of reactor coolant system (RCS) specific activity (dose equivalent Iodine-131). This change is based on Generic Letter 95-05, and, as described therein, provides a means of accepting higher projected leak rates for steam generator tubes while still meeting offsite and control room dose criteria. The proposed amendment also includes a change to the secondary coolant activity level for which an increased sampling frequency applies. The latter change is consistent with a previously approved amendment. These changes were previously noticed (63FR25119) and are being renoticed because the licensee has revised the application so as to further reduce the RCS specific activity limit.

Before issuance of the proposed license amendment, 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. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed change was reviewed in accordance with the provisions of 10 CFR 50.92 to show no significant hazards exist. The proposed change will not:

- (1) Involve a significant increase in the probability or consequence of an accident previously evaluated.

The change implements a more restrictive reactor coolant system (RCS) activity limit. Specific RCS activity is an initial plant condition and, therefore, is not an accident initiator and can not cause the occurrence of or increase the probability of an accident. The change also lowers the curve of Figure TS 3.1-3 which restricts operation with high specific activity. The new value for specific activity is justified by the Westinghouse calculation which demonstrates acceptable offsite and control room doses following a main steam line break (MSLB) with a maximum allowable primary to secondary leak rate. By lowering the RCS specific activity and maintaining leakage within the projected maximum allowable, 10 CFR 100 and GDC 19 criteria are satisfied. Therefore, the change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

- (2) Create the possibility of a new or different kind of accident from any previously evaluated.

The proposed change to the RCS specific activity limit will not significantly affect operation of the plant nor will it alter the configuration of the plant. There will be no additional challenges to the main steam system or the reactor coolant system

pressure boundary and no new failure modes are introduced. Therefore, the proposed change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

- (3) Involve a significant reduction in the margin of safety.

Reduction of the RCS specific activity limit allows an increase in the MSLB allowable primary to secondary leakage. The net effect is no reduction in the margin of safety provided by 10 CFR 100 and GDC 19 criteria. The maximum allowable leakage is the leakage limit for projected steam generator (SG) leakage following SG tube inspection and repair. Reducing specific activity to increase projected leak rate follows guidance given by GL 95-05 and effectively takes margin available in the specific activity limits and applies it to the projected SG leak rate. This has been determined to be an acceptable means for accepting higher projected leak rates while still meeting the applicable limits of 10 CFR 100 and GDC 19 criteria with respect to offsite and control room doses. Additionally, monitoring of the specific activity and compliance with the required actions remains unchanged. Therefore, the proposed change does not involve a significant reduction in the margin of safety.

For consistency, the value of secondary coolant activity for which an increased sampling frequency applies, is being corrected from 1.0 microcurie/gram to 0.1 microcurie/gram. This is consistent with a previously submitted and approved amendment, therefore, no significant hazards exist for this change.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request 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.

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 in the FEDERAL REGISTER 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.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By ^{October 14, 1998}, 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 request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition 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, NW., Washington, DC, and at the local public document room located at the University of Wisconsin, Cofrin Library, 2420 Nicolet Drive, Green Bay, WI 54311-7001. 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 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 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 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 immediately 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.

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, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General

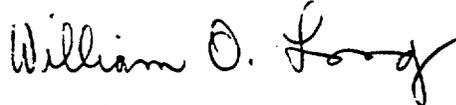
U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to Bradley D. Jackson, Esq., Foley and Lardner, P.O. Box 1497, Madison, WI 53701-1497, attorney for the licensee.

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 presiding 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 April 8, 1998, as modified by letter dated August 27, 1998, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the University of Wisconsin, Cofrin Library, 2420 Nicolet Drive, Green Bay, WI 54311-7001.

Dated at Rockville, Maryland, this 9th day of September 1998

FOR THE NUCLEAR REGULATORY COMMISSION



William O. Long, Project Manager
Project Directorate III-1
Division of Reactor Projects - III/IV
Office of Nuclear Reactor Regulation

9/7/98

MEMORANDUM TO: Rules Review and Directives Branch
Division of Freedom of Information and Publications Services
Office of Administration
FROM: Office of Nuclear Reactor Regulation
SUBJECT: *Kleene*

One signed original of the *Federal Register* Notice identified below is attached for your transmittal to the Office of the Federal Register for publication. Additional conformed copies () of the Notice are enclosed for your use.

- Notice of Receipt of Application for Construction Permit(s) and Operating License(s).
- Notice of Receipt of Partial Application for Construction Permit(s) and Facility License(s): Time for submission of Views on Antitrust matters.
- Notice of Consideration of Issuance of Amendment to Facility Operating License. (Call with 30-day insert date).
- Notice of Receipt of Application for Facility License(s); Notice of Availability of Applicant's Environmental Report; and Notice of Consideration of Issuance of Facility License(s) and Notice of Opportunity for Hearing.
- Notice of Availability of NRC Draft/Final Environmental Statement.
- Notice of Limited Work Authorization.
- Notice of Availability of Safety Evaluation Report.
- Notice of Issuance of Construction Permit(s).
- Notice of Issuance of Facility Operating License(s) or Amendment(s).
- Order.
- Exemption.
- Notice of Granting Exemption.
- Environmental Assessment.
- Notice of Preparation of Environmental Assessment.
- Receipt of Petition for Director's Decision Under 10 CFR 2.206.
- Issuance of Final Director's Decision Under 10 CFR 2.206.
- Other: _____

DOCKET NO. *50-305*

Attachment(s): As stated

Contact: *Kleene, X1389*
Telephone:

DOCUMENT NAME:

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NAME	<i>Myhan</i>																			
DATE	<i>9/8/98</i>																			

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