

May 25, 1988

Docket No. 50-482

Mr. Bart D. Withers
President and Chief Executive Officer
Wolf Creek Nuclear Operating Corporation
Post Office Box 411
Burlington, Kansas 66839

Dear Mr. Withers:

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

Enclosed is a copy of the subject notice which relates to your application for amendment dated February 26, 1988 to revise the Technical Specifications to allow storage of fuel assemblies containing up to 4.5 weight percent U-235.

We are publishing this notice as an individual notice with a 15-day notice period, in lieu of a regular biweekly notice, in order to expedite processing in support of your proposed June receipt of the new fuel assemblies.

The notice has been forwarded to the Office of the Federal Register for publication.

Sincerely,

/s/

Paul W. O'Connor, Project Manager
Project Directorate - IV
Division of Reactor Projects - III,
IV, V and Special Projects

Enclosure:
As stated

cc w/enclosure:
See next page

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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D. C. 20555

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Wolf Creek Nuclear Operating Corporation
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Sincerely,

A handwritten signature in cursive script that reads "Paul W. O'Connor".

Paul W. O'Connor, Project Manager
Project Directorate - IV
Division of Reactor Projects - III,
IV, V and Special Projects

Enclosure:
As stated

cc w/enclosure:
See next page

Mr. Bart D. Withers
Wolf Creek Nuclear Operating Corporation

Wolf Creek Generating Station
Unit No. 1

cc:

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Mr. Otto Maynard, Manager Licensing
Wolf Creek Nuclear Operating Corp.
P. O. Box 411
Burlington, Kansas 66839

UNITED STATES NUCLEAR REGULATORY COMMISSIONKANSAS GAS AND ELECTRIC COMPANYKANSAS CITY POWER & LIGHT COMPANYKANSAS ELECTRIC POWER COOPERATIVE, INC.DOCKET NO. 50-482NOTICE 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 Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-42, issued to Kansas Gas and Electric Company, Kansas City Power & Light Company and Kansas Electric Power Cooperative, Inc., (the licensees), for operation of the Wolf Creek Generating Station, Unit No. 1 located in Coffey County, Kansas.

The amendment would revise Technical Specifications 5.3.1 and 5.6.1.1 to allow storage of fuel assemblies of up to 4.5 weight percent U-235 which is an increase from the current limit of 3.5 weight percent U-235. Technical Specification 5.6.1.1 is also being revised to reflect the actual spent fuel pool storage rack nominal cell pitch of 9.236 inches. In addition, the Acceptable/Unacceptable regions of Figure 5.6-1 and Figure 3.9-1 are being changed on the Burnup versus Enrichment graphs to reflect the higher possible enrichments.

The amendment would be in response to the licensees' February 26, 1988 submittal and is needed before the licensees would be allowed to store the 4.5

weight percent U-235 fuel in the Wolf Creek spent fuel storage pool. Due to a misunderstanding on the part of the NRC staff regarding the licensees' earliest date for receipt of fuel on site, insufficient time now exists for the Commission's usual 30-day notice. The delay that would result from issuing the 30-day notice would cause the licensees to store the 4.5 weight percent U-235 fuel in the new fuel storage facility on an interim basis until the 30-day notice period expires and then move the fuel assemblies to the spent fuel pool for transfer to the fuel transfer system for underwater transfer to the refueling pool in the reactor building. The interim storage of the new fuel assemblies in the new fuel storage facility pending the expiration of the 30-day notice would result in a series of unnecessary and duplicative fuel movements that do not increase the safety of the process and may expose the fuel assemblies to the possibility of mechanical damage due to the extra transfer movements.

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 considerations. 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.

In accordance with the requirements of 10 CFR 50.92, the licensee has submitted the following no significant hazards determination:

- 1) This proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated. An increase to a maximum enrichment of 4.5 weight percent for the spent fuel and new fuel storage pools does not involve a significant increase in the probability or consequence of an accident or other adverse conditions over previous evaluations. The small increase in fuel enrichment has only a very minimal effect on the fuel handling accidents described in the Updated Safety Analysis Report. Because of the conservative techniques and assumptions used to evaluate the maximum possible neutron multiplication factor, there is more than reasonable assurance that no significant hazards considerations are involved in storing fuel assemblies of up to and including 4.5 weight percent in the fuel storage racks under both normal and postulated accident conditions.

For example, ignoring the 2000 ppm soluble boron in the spent fuel pool calculations results in conservative values of the multiplication factor. Storing fresh fuel in Region 1 configuration at an enrichment of 4.5 weight percent would result in a maximum multiplication factor of 0.9472 including all uncertainties. Adherence to the curves generated for Figure 3.9-1 in the new Technical Specifications would assure fuel storage in Region 2 to be at or below the limit of 0.9150 multiplication factor (including uncertainties and additional margins).

In the extreme case of loading Region 2 with fresh 4.5 weight percent fuel for example, and taking credit for 2000 ppm soluble boron results in a maximum multiplication factor of 0.9408. In all cases, the values of multiplication factor are below the required limit of 0.95.

The spent fuel pool storage rack nominal cell pitch is being revised to reflect actual dimensions as shown on design drawings. The analysis provided was performed using a value of 9.235 inches for nominal cell pitch.

- 2) This proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated. An increase to a maximum enrichment level of 4.5 weight percent does not create the possibility of a new or different kind of accident nor condition from previous evaluations. An increase in the enrichment level to 4.5 weight percent from 3.5 weight percent involved extending the previous evaluations to cover more realistic situations. The same calculational techniques and computer codes were used. The proposed amendment does not alter the configuration of the plant or the way in which it is operated.
- 3) This proposed amendment does not involve a significant reduction in a margin to safety. An increase in the maximum enrichment to 4.5 weight percent does not involve a significant reduction in a margin of safety. As discussed above, in all cases the multiplication factors for worst case approximations fall considerably below the regulatory limit and do not represent significant reductions in a margin of safety.

Based on the previous discussion, the licensee concluded that the proposed amendment request does not involve a significant increase in the probability or consequences of an accident previously evaluated; nor create the possibility of a new or different kind of accident from any accident previously evaluated; nor involve a significant reduction in the required margin of safety. The NRC staff has reviewed the licensee's no significant hazards considerations determination and agrees with the licensee's analysis.

Accordingly, the Commission proposes to determine that this change does not involve significant hazards considerations.

The Commission is seeking public comments on this proposed determination. Any comments received within 15 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 Rules and Procedures Branch, Division of Rules and Records, Office of Administration and Resources Management, U. S. Nuclear Regulatory Commission, Washington, D.C. 20555, and should cite the publication date and page number of the FEDERAL REGISTER notice.

Written comments may also be delivered to Room 4000, Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland from 8:15 a.m. to 5:00 p.m. Copies of written comments received may be examined at the NRC Public Document Room, 1717 H Street, NW, Washington, D.C. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By June 16, 1988 , 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 hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rule of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. 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 pre-hearing 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 that are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. 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 the amendment is issued before the expiration of 30-days, the Commission will make a final determination on the issue of no significant hazards considerations. If a hearing is requested, 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 considerations, 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 significant hazards considerations, 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 15-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 15-day notice period, provided that its final determination is that the amendment involves no significant hazards considerations. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of 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, 1717 H 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 Herbert N. Berkow: 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 Jay Silberg, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, N.W., Washington, D.C. 20037.

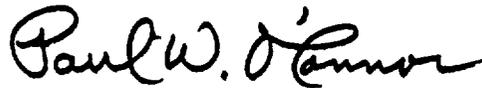
Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic

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 February 26, 1988, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D. C. 20555, and at the Local Public Document Room, Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801 and Washburn University School of Law Library, Topeka, Kansas.

Dated at Rockville, Maryland, this 25th day of May, 1988.

FOR THE NUCLEAR REGULATORY COMMISSION



Paul W. O'Connor, Project Manager
Project Directorate - IV
Division of Reactor Projects - III,
IV, V and Special Projects
Office of Nuclear Reactor Regulation