Docket No. 50-482

February 8, 1994

Mr. Neil S. Carns
President and Chief Executive Officer
Wolf Creek Nuclear Operating Corporation
Post Office Box 411
Burlington, Kansas 66839

Dear Mr. Carns:

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

The Commission has requested the Office of the Federal Register to publish the enclosed "Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing." This notice relates to your application dated February 7, 1994, to increase the reactor coolant system operating temperatures to enable the Wolf Creek Generating Station to reach rated thermal power.

Sincerely,

Original Signed By

William D. Reckley, Project Manager
Project Directorate IV-2
Division of Reactor Projects III/IV/V
Office of Nuclear Reactor Regulation

Enclosure:
Notice

cc w/enclosure:
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cc w/enclosure:
Jay Silberg, Esq.
Shaw, Pittman, Potts & Trowbridge
2300 N Street, NW
Washington, D.C. 20037

Mr. C. John Renken
Policy and Federal Department
Missouri Public Service Commission
P. O. Box 360
Jefferson City, Missouri 65102

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

Senior Resident Inspector
U.S. Nuclear Regulatory Commission
P. O. Box 311
Burlington, Kansas 66839

Chief Engineer
Utilities Division
Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, Kansas 66604-4027

Office of the Governor
State of Kansas
Topeka, Kansas 66612

Attorney General
1st Floor - The Statehouse
Topeka, Kansas 66612

County Clerk
Coffey County Courthouse
Burlington, Kansas 66839

Mr. Gerald Allen
Public Health Physicist
Bureau of Air & Radiation
Division of Environment
Kansas Department of Health
and Environment
Forbes Field Building 283
Topeka, Kansas 66620

Mr. Otto Maynard
Director Plant Operations
Wolf Creek Nuclear Operating Corporation
P. O. Box 411
Burlington, Kansas 66839

Regional Administrator, Region IV
U.S. Nuclear Regulatory Commission
611 Ryan Plaza Drive, Suite 1000
Arlington, Texas 76011

Mr. Keven J. Moles
Manager Regulatory Services
Wolf Creek Nuclear Operating Corporation
P. O. Box 411
Burlington, Kansas 66839

U.S. Nuclear Regulatory Commission
Resident Inspectors Office
8201 NRC Road
Steedman, Missouri 65077-1302

UNITED STATES NUCLEAR REGULATORY COMMISSION

WOLF CREEK NUCLEAR OPERATING CORPORATION

DOCKET NO. 50-482

NOTICE 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. NPF-42, for the Wolf Creek Generating Station located near Burlington, Kansas, operated by the Wolf Creek Nuclear Operating Corporation (the licensee).

The proposed amendment would allow an increase in reactor coolant temperature in order to support operation at the rated thermal power of 3565 megawatts thermal (MWt). The proposed amendment would change reactor protection system setpoints by increasing the nominal reactor coolant average temperature from 581.2°F to 586.5°F, changing the axial flux difference penalties, and setpoint uncertainty allowances. The proposed amendment also increases the maximum indicated reactor coolant system average temperature from 585.0°F to 590.5°F.

The NRC issued Amendment No. 69 to the Wolf Creek Generating Station Facility Operating License on November 10, 1993. The amendment increased the rated thermal power for Wolf Creek from 3411 MWt to 3565 MWt. The amendment also included changes in reactor coolant temperature specifications to reflect the planned operation of Wolf Creek at the higher power level and reduced operating temperatures. Upon attempting to implement the power increase, the

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licensee discovered that the unit was unable to achieve 3565 MWt at the reduced operating temperatures. The reduced operating temperature specifications have resulted in an effective derating of the unit. Considering that the unit is being limited to less than the allowable licensed power level, the staff is issuing this notice under exigent circumstances.

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.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine 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:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The probability of occurrence and the consequences of an accident evaluated previously in the USAR [Updated Safety Analysis Report] are not increased due to the proposed technical specification change. Plant operation at 3565 MWt with the revised temperatures does not affect any of the

mechanisms postulated in the USAR to cause LOCA [Loss of Coolant Accident] or non-LOCA design basis events. Analyses, evaluations, and minimum DNBR [Departure from Nucleate Boiling Ratio] calculations confirm that the USAR conclusions remain valid for the proposed changes. On these bases it is concluded that the probability and consequences of the accidents previously evaluated in the USAR are not increased.

2. The proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

The proposed technical specification changes do not increase the probability of occurrence of a malfunction of equipment important to safety or increase the consequences of a malfunction of equipment evaluated in the USAR. The technical specification changes do not create the possibility of a new or different kind of accident from any accident previously evaluated because the change in operating T_{hot} will not impose a new operating configuration that would create a new failure scenario. The proposed changes do not change the plant configuration in a way that introduces a new potential hazard to the plant and do not involve a significant reduction in the margin of safety. No new failure modes will be created by the proposed changes for any plant equipment. Operation with a 0°- 5°F T_{hot} reduction is bounded by the analyses performed previously for the power rerate and approved by the NRC in Amendment No. 69 to the WCGS [Wolf Creek Generating Station] Technical Specifications on November 10, 1993, and does not create a new or unanalyzed condition. For these reasons, the possibility of a new accident which is different from any already evaluated in the USAR is not created.

3. The proposed change does not involve a significant reduction in the margin of safety.

The analyses and evaluations discussed in the safety evaluation demonstrate that all applicable safety analysis acceptance criteria continue to be met for the proposed operating conditions. The change in operating T_{hot} does not involve a significant reduction in a margin of safety because the operating temperature is one of the inherent assumptions that determines the safe operating range defined by the accident analyses, which are in turn protected by the technical specifications. The acceptance criteria for the accident analyses are conservative with respect to the operating conditions defined by the technical specifications. The analyses performed for the power rerate and this proposed change confirm that the accident analyses criteria are met at the revised configuration. Therefore, it is concluded that the proposed change does not involve a reduction in a margin of safety described in the bases to any technical specification.

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 15 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 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 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. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 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. 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 20555.

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

By March 17, 1994 , 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 20555 and at the local public document room located at Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801, and Washburn University School of Law Library, Topeka, Kansas 66621. 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 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 the amendment is issued before the expiration of the 30-day hearing period, the Commission will make a final determination on the issue of no significant hazards consideration. 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 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, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, by the above date. Where petitions are filed during the last 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) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Suzanne C. Black, Director, Project Directorate IV-2: 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, DC 20555, and to Jay Silberg, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037, 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 February 7, 1994, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document rooms, located at Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801, and Washburn University School of Law Library, Topeka, Kansas 66621.

Dated at Rockville, Maryland, this 8th day of February 1994.

FOR THE NUCLEAR REGULATORY COMMISSION

William D. Reckley, Project Manager
Project Directorate IV-2
Division of Reactor Projects III/IV/V
Office of Nuclear Reactor Regulation