

November 19, 1991

Docket No. 50-482

DISTRIBUTION:

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President and Chief Executive Officer  
Wolf Creek Nuclear Operating Corporation  
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Dear Mr. Withers:

SUBJECT: WOLF CREEK GENERATING STATION - AMENDMENT NO. 53 TO FACILITY  
OPERATING LICENSE NO. NPF-42 (TAC NO. 80234)

*m*

The Commission consents to the transfer of the Kansas Gas and Electric Company (KG&E) possession only interest in the Wolf Creek Generating Station to a successor company resulting from the merger of KG&E with a subsidiary of Kansas Power and Light Company (KPL) as requested in an application pursuant to 10 CFR 50.80 dated March 28, 1991. The Commission also has issued the enclosed Amendment No. 53 to Facility Operating License No. NPF-42 for the Wolf Creek Generating Station. The amendment consists of changes to the operating license in response to the application dated April 23, 1991, requesting an amendment to the operating license, pursuant to 10 CFR 50.90, to reflect the transfer and change of KG&E to a wholly-owned subsidiary of KPL.

The amendment adds a footnote to paragraph 2.A of the operating license that acknowledges the transfer of KG&E's possession only interest in license NPF-42 to a wholly-owned subsidiary of KPL which will also be named Kansas Gas and Electric Company. This amendment will be effective upon the consummation of the pending merger between KG&E and a subsidiary of KPL, provided that the merger is completed on or before March 31, 1992.

A copy of the related Safety Evaluation and Notice of Issuance are also enclosed.

Sincerely,

Original Signed By

Suzanne C. Black, Director  
Project Directorate IV-2  
Division of Reactor Projects - III/IV/V  
Office of Nuclear Reactor Regulation

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Enclosures:

- 1. Amendment No. 53 to NPF-42
- 2. Safety Evaluation

cc w/enclosures:  
See next page

\*See previous ORC for concurrence

*RFOL 11*

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

WOLF CREEK NUCLEAR OPERATING CORPORATION

WOLF CREEK GENERATING STATION

DOCKET NO. 50-482

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 53  
License No. NPF-42

1. The Nuclear Regulatory Commission (the Commission) has found that:
  - A. The application for amendment to the Wolf Creek Generating Station (the facility) Facility Operating License No. NPF-42 filed by the Wolf Creek Nuclear Operating Corporation (the Corporation), dated April 23, 1991, complies 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
  - 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, by Amendment No. 53, the license is amended by the addition of a footnote that acknowledges the transfer of the Kansas Gas and Electric Company (KG&E) possession-only interest in the operating license to a successor company which is a wholly-owned subsidiary of Kansas Power and Light Company (KPL).\*
3. The license amendment is effective as of the consummation of the pending merger between Kansas Gas and Electric Company and a subsidiary of Kansas Power and Light Company, provided that the merger is completed on or before March 31, 1992.

FOR THE NUCLEAR REGULATORY COMMISSION



Suzanne C. Black, Director  
Project Directorate IV-2  
Division of Reactor Projects - III/IV/V  
Office of Nuclear Reactor Regulation

Attachment:  
Pages 2, 3, 4 of License

Date of Issuance: November 19, 1991

\*Pages 2, 3, and 4 are attached, for convenience, for the composite license to reflect this change.

- F. The licensees have satisfied the applicable provisions of 10 CFR Part 140 "Financial Protection Requirements and Indemnity Agreements," of the Commission's regulations;
  - G. The issuance of this license will not be inimical to the common defense and security or to the health and safety of the public;
  - H. After weighing the environmental, economic, technical and other benefits of the facility against environmental and other costs and considering available alternatives, the issuance of this Facility Operating License No. NPF-42, subject to the conditions for protection of the environment set forth in the Environmental Protection Plan attached as Appendix B, is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied; and
  - I. The receipt, possession, and use of source, byproduct and special nuclear material as authorized by this license will be in accordance with the Commission's regulations in 10 CFR Parts 30, 40 and 70.
2. Pursuant to approval by the Nuclear Regulatory Commission at a meeting on June 3, 1985, the License for Fuel Loading and Low Power Testing, License No. NPF-32, issued on March 11, 1985, is superseded by Facility Operating License No. NPF-42 hereby issued to Kansas Gas and Electric Company, Kansas City Power & Light Company, and Kansas Electric Power Cooperative, Inc. (the licensees) to read as follows:
- A. The license applies to the Wolf Creek Generating Station, Unit No. 1, a pressurized water nuclear reactor and associated equipment (the facility), owned by Kansas Gas and Electric Company<sup>1</sup>, Kansas City Power & Light Company, and Kansas Electric Power Cooperative Inc., and operated by the Wolf Creek Nuclear Operating Corporation. The facility is located in Coffey County, Kansas, approximately 28 miles east-southeast of Emporia, Kansas, and is described in the licensees' "Final Safety Analysis Report," as supplemented and amended, and in the licensees' Environmental Report, as supplemented and amended.
  - B. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses Wolf Creek Nuclear Operating Corporation (the Operating Corporation), Kansas Gas and Electric Company (KG&E), Kansas City Power & Light Company (KCPL), and Kansas Electric Power Cooperative, Inc. (KEPCO):

<sup>1</sup>Kansas Gas and Electric Company, which owns a 47% undivided interest in the Wolf Creek Nuclear Operating Corporation and a 47% undivided interest in a possession-only license for the Wolf Creek Generating Station, has merged with and into a wholly owned subsidiary of The Kansas Power and Light Company. This subsidiary, originally named KCA Corporation, was renamed "Kansas Gas and Electric Company" upon consummation of the merger. Accordingly, the name "Kansas Gas and Electric Company" as it appears in this license refers to the post-merger Kansas Gas and Electric Company and not the former entity of the same name.

- (1) Pursuant to Section 103 of the Act and 10 CFR Part 50 "Domestic Licensing of Production and Utilization Facilities," the Operating Corporation, to possess, use and operate the facility at the designated location in Coffey County, Kansas, in accordance with the procedures and limitations set forth in this license;
- (2) KG&E, KCPL and KEPCO to possess the facility at the designated location in Coffey County, Kansas, in accordance with the procedures and limitations set forth in this license;
- (3) The Operating Corporation, pursuant to the Act and 10 CFR Part 70, to receive, possess and use at any time special nuclear material as reactor fuel, in accordance with the limitations for storage and amounts required for reactor operation, as described in the Final Safety Analysis Report, as supplemented and amended.
- (4) The Operating Corporation, pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess, and use at any time any byproduct, source and special nuclear material as sealed neutron sources for reactor startup, sealed sources for reactor instrumentation and radiation monitoring equipment calibration, and as fission detectors in amounts as required;
- (5) The Operating Corporation, pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess, and use in amounts as required any byproduct, source or special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration or associated with radioactive apparatus or components; and
- (6) The Operating Corporation, pursuant to the Act and 10 CFR Parts 30, 40 and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility.

C. This license shall be deemed to contain and is subject to the conditions specified in the Commission's regulations set forth in 10 CFR Chapt. I and is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) Maximum Power Level

The Operating Corporation is authorized to operate the facility at reactor core power levels not in excess of 3411 megawatts thermal (100% power) in accordance with the conditions specified herein and in Attachment 1 to this license. The activities identified in Attachment 1 to this license shall be completed as specified. Attachment 1 is hereby incorporated into this license.

(2) Technical Specifications and Environmental Protection Plan

The Technical Specifications contained in Appendix A, as revised through Amendment No. , and the Environmental Protection Plan contained in Appendix B, both of which are attached hereto, are hereby incorporated into the license. The Operating Corporation shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

(3) Antitrust Conditions

Kansas Gas & Electric Company and Kansas City Power & Light Company shall comply with the antitrust conditions delineated in Appendix C to this license.

(4) Environmental Qualification (Section 3.11, SSER #4, Section 3.11, SSER #5)\*

All electrical equipment within the scope of 10 CFR 50.49 shall be qualified by November 30, 1985.

(5) Fire Protection (Section 9.5.1, SER, Section 9.5.1.8, SSER #5)

- (a) The Operating Corporation shall maintain in effect all provisions of the approved fire protection program as described in the SNUPPs Final Safety Analysis Report for the facility through Revision 17, the Wolf Creek site addendum through Revision 15, and as approved in the SER through Supplement 5, subject to provisions b & c below.
- (b) The licensee may make changes to the approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

\*The parenthetical notation following the title of many license conditions denotes the section of the Safety Evaluation Report and/or its supplements wherein the license condition is discussed.



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION  
RELATED TO AMENDMENT NO. 53 TO FACILITY OPERATING LICENSE NO. NPF-42

WOLF CREEK NUCLEAR OPERATING CORPORATION

WOLF CREEK GENERATING STATION

DOCKET NO. 50-482

1.0 INTRODUCTION

The Wolf Creek Generating Station is jointly owned by Kansas Gas and Electric Company (47 percent), Kansas City Power and Light Company (47 percent) and Kansas Electric Power Cooperative, Inc. (6 percent). The Wolf Creek Nuclear Operating Corporation (WCNOC) is authorized to act as agent for the owners and has exclusive responsibility and control over the physical construction, operation, and maintenance of the facility.

By letter dated March 28, 1991, Hunton & Williams, the legal counsel for Kansas Gas and Electric Company (KG&E), submitted a request to transfer, pursuant to 10 CFR 50.80, the KG&E possession only interest in the operating license to a successor company resulting from the merger of KG&E with a subsidiary of Kansas Power and Light Company (KPL). The successor company would also be named Kansas Gas and Electric Company, but would be a wholly-owned subsidiary of KPL.

A subsequent letter from Hunton & Williams dated April 23, 1991, requested an amendment to Facility Operating License NPF-42 to reflect the merger of KG&E and a subsidiary of KPL. The amendment would add a footnote to the license that acknowledges the transfer of KG&E's possession only interest in the operating license to the successor company resulting from the merger of KG&E with a subsidiary of KPL. The transfer will occur upon the merger of KG&E with and into that subsidiary of KPL which is presently in existence and named KCA Corporation. It will be renamed Kansas Gas and Electric Company immediately upon the consummation of the merger.

2.0 EVALUATION

The proposed license amendment would add a footnote to paragraph 2.A of the operating license to reflect the merger of KG&E and a subsidiary of KPL. The amendment does not involve a request for any change to the design or operation of the facility, nor to the existing Technical Specifications. Following the merger, WCNOC, the present holder of the license to operate Wolf Creek, will



maintain the exclusive responsibility and control over the physical construction, operation and maintenance of the facility in accordance with Amendment 4 to NPF-42. The requested license transfer and associated license amendment will introduce no change in the numbers, qualifications, or organizational affiliation of personnel who operate Wolf Creek. There are thus no changes proposed to the design or operation of the facility or the qualifications of the personnel or organization licensed to operate it.

The proposed merger affects only the KG&E 47 percent interest in the facility's ownership. Following the merger with a subsidiary of KPL, the successor company to KG&E, which will also be named Kansas Gas and Electric Company, remains an electric utility and it may therefore be assumed that reasonable costs associated with the partial ownership of the Wolf Creek Generating Station will be recovered by the rates established by the various regulatory agencies. In addition, the combined companies of KG&E and KPL have recognized that obligations such as providing a share of the funds for decommissioning of the facility must be satisfied by the successor company to the present KG&E.

The staff has reviewed the proposed transfer of the KG&E possession only license to the successor company resulting from the merger with a subsidiary of KPL and has concluded that the proposed change in ownership is not a significant change in regard to anti-trust considerations from the antitrust evaluations which were performed for the initial licensing of the facility. The staff published in the Federal Register on May 13, 1991 (56 FR 22026) a Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for Hearing for Transfer of Ownership Interest and Opportunity for Public Comment on Antitrust Issues. No comments or requests for hearing were received. In addition, following the staff's evaluation, a Notice of No Significant Antitrust Changes and Time for Filing Requests for Reevaluation was published in the Federal Register on October 24, 1991 (56 FR 55145). No comments or requests for reevaluation were received.

### 3.0 STATE CONSULTATION

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

### 4.0 ENVIRONMENTAL CONSIDERATION

Pursuant to 10 CFR 51.21, 51.32 and 51.35, an environmental assessment and finding of no significant impact was published in the Federal Register on October 18, 1991 (56 FR 52302). Accordingly, based upon the environmental assessment, the Commission has determined that issuance of this amendment will not have a significant effect on the quality of the human environment.

## 5.0 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 amendment will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributors: Douglas V. Pickett, PDIV-2/NRR  
William D. Reckley, PDIV-2/NRR

Date: November 19, 1991

UNITED STATES NUCLEAR REGULATORY COMMISSIONWOLF CREEK NUCLEAR OPERATING CORPORATIONDOCKET NO. 50-482NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 53 to Facility Operating License No. NPF-42 issued to Wolf Creek Nuclear Operating Corporation, which revised the license for operation of the Wolf Creek Generating Station located in Coffey County, Kansas.

The amendment is effective as of the consummation of the pending merger between Kansas Gas and Electric Company and a subsidiary of Kansas Power and Light Company, provided that the merger is completed on or before March 31, 1992.

The amendment changes the operating license to reflect the transfer of the Kansas Gas and Electric Company (KG&E) possession only interest in the operating license to a successor company resulting from the merger of KG&E with Kansas Power and Light Company (KPL), and the transfer and change of KG&E to a wholly-owned subsidiary of KPL.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission had made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for Hearing for Transfer of Ownership Interest and Opportunity

for Public Comment on Antitrust Issues in connection with this action was published in the FEDERAL REGISTER on May 13, 1991 (56 FR 22026). No request for a hearing or petition for leave to intervene was filed following this notice.

The Commission has prepared an Environmental Assessment related to the action and has determined not to prepare an environmental impact statement. Based upon the environmental assessment, the Commission has concluded that the issuance of this amendment will not have a significant effect on the quality of the human environment. The Environmental Assessment was published in the FEDERAL REGISTER on October 18, 1991 (56 FR 52302). In addition, a Notice of No Significant Antitrust Changes and Time for Filing Requests for Reevaluation was published in the FEDERAL REGISTER on October 24, 1991 (56 FR 55145). No comments or requests for reevaluation were received.

For further details with respect to the action see (1) the application for transfer dated March 28, 1991, (2) the application for amendment dated April 23, 1991, (3) Amendment No. 53 to License No. NPF-42, and (4) the Commission's related Safety Evaluation and Environmental Assessment. All of these items are 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 Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66901 and Washburn University School of Law Library, Topeka, Kansas 66621. A copy of items (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory

Commission, Washington, D.C. 20555, Attention: Director, Division of  
Reactor Projects III/IV/V.

Dated at Rockville, Maryland, this 19th day of November 1991.

FOR THE NUCLEAR REGULATORY COMMISSION

Handwritten signature of William D. Reckley in cursive script.

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