

August 10, 1994

Docket No. 50-482

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

DISTRIBUTION:

Docket File EAdensam  
NRC PDR EPeyton  
Local PDR WReckley  
PDIV-2 Reading OGC  
WRussell/FMiraglia OC/LFDCB  
LReyes EJordan  
ERossi GHill (2)  
JLieberman ACRS (10)  
JRoe OPA  
LYandell, RIV

Dear Mr. Carns:

JMitchell

SUBJECT: WOLF CREEK GENERATING STATION: EXEMPTION TO 10 CFR PART 50,  
APPENDIX J (TAC NO. M88130)

By letter dated October 27, 1993, Wolf Creek Nuclear Operating Corporation (WCNOC) requested an exemption from certain requirements of Appendix J to 10 CFR Part 50 to remove the requirement that the third Type A test, Overall Integrated Containment Leakage Rate Test (ILRT), for the first 10-year service period be performed at the regular interval during the first 10-year service period.

The one-time exemption would extend the interval between the second and third ILRTs and would result in the third test being performed approximately six months after the end of the first 10-year service period. The third test would then coincide with the 10-year plant inservice inspections scheduled for the eighth refueling outage.

The Commission has granted this exemption pursuant to 10 CFR 50.12. A copy of the Exemption is being forwarded to the Office of the Federal Register for publication.

Sincerely,

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

Enclosure:  
Exemption

cc w/enclosure:  
see next page

*\* See amendment  
package - M88129*

Office	PDIV-2/LA	PDIV-2/PM	NRR:SCSB	OGC	PDIV-2/D	ADRA	DRPW:D
Name	EPeyton	WReckley:ye	RBarrett	EHollen	TQuay	EAdensam	JRoe
Date	5/27/94	6/1/94	7/29/94	8/1/94	8/5/94	8/8/94	8/10/94
Copy	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No

OFFICIAL RECORD COPY  
FILENAME: G:\WPDOCS\WOLFCK\M88129.EXP

170607  
9408170160 940810  
PDR ADOCK 05000482  
P PDR

NRC FILE CENTER COPY

*FOI*

*323*

cc w/enclosures:

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 OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
WOLF CREEK NUCLEAR OPERATING CORPORATION	)	Docket No. 50-482
(Wolf Creek Generating Station, Unit 1)	)	

EXEMPTION

I.

On June 4, 1985, the Commission issued Facility Operating License No. NPF-42 to Wolf Creek Nuclear Operating Corporation (the licensee) for Wolf Creek Generating Station, Unit 1. The license provides, among other things, that it is subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (the Commission) now and hereafter in effect.

II.

Section III.D.1(a) of Appendix J to 10 CFR Part 50 requires, "... a set of three Type A tests [Overall Integrated Containment Leakage Rate Tests, or ILRTs] shall be performed, at approximately equal intervals during each 10-year service period. The third test of each set shall be conducted when the plant is shutdown for the 10-year plant inservice inspections." By letter dated October 27, 1993, the licensee requested an exemption from this requirement of the Commission's regulations.

The NRC may grant exemptions from the requirements of the regulations, pursuant to 10 CFR 50.12, that (1) are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security; and (2) present special circumstances. Section

50.12(a)(2) of 10 CFR Part 50 describes special circumstances as including cases that would not serve the underlying purpose of the rule or are not necessary to achieve the underlying purpose of the rule.

In a letter also dated October 27, 1993, the licensee applied for an amendment to Facility Operating License No. NPF-42 to change related provisions of the Wolf Creek Generating Station Technical Specifications.

### III.

The Type A test is defined in 10 CFR Part 50, Appendix J, Section II.F, as a "test intended to measure the primary reactor containment overall integrated leakage rate (1) after the containment has been completed and is ready for operation, and (2) at periodic intervals thereafter." The licensee conducted ILRTs during October 1988 and September 1991 that satisfied the requirements of Appendix J and related technical specifications. The measured leakage rates during these tests were well below the acceptance criteria with the majority of leakage being from containment penetrations and not the containment barrier itself. The requested exemption does not affect the performance of local leakage rate testing which would be expected to detect the most probable sources of containment leakage.

In order to schedule the next ILRT such that it coincides with the 10-year inservice inspections, as required by Appendix J, the licensee has requested a one-time exemption and related technical specification changes to perform the test during the eighth refueling outage. The eighth refueling outage is currently scheduled for Spring 1996 and would result in a test interval of approximately 54 months with the test being performed approximately six months after the end of the first 10-year service period.

In the absence of the exemption and related technical specification changes, the licensee would be required to perform an ILRT during both the seventh and eighth refueling outages. This discrepancy results from the circumstances related to the operating cycle schedules and their correlation with the end of the 10-year service period. Performance of a fourth ILRT coincident with the 10-year inservice inspections is clearly beyond the intent of the regulations or technical specifications which specifically require three tests during 10-year service intervals.

For the reasons set forth above, the NRC staff concludes that this one-time relief from the requirement to perform the third ILRT within a 10-year service period is not significant in terms of complying with the intent of Appendix J, Section III.D.1(a). Accordingly, the staff finds that the performance of ILRTs during both the seventh and eighth refueling outages would not result in a commensurate increase in the confidence of containment integrity. Therefore, the subject exemption request meets the special circumstances of 10 CFR 50.12, in that the fourth test is not necessary to achieve the underlying purpose of the rule.

On this basis, the NRC staff finds that the licensee has demonstrated that special circumstances are present as required by 10 CFR 50.12. Further the staff also finds that extending the schedule for the third ILRT to beyond the 10-year service period will not present an undue risk to the public health and safety.

#### IV.

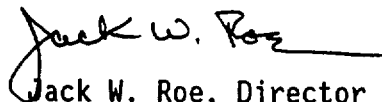
Accordingly, the Commission has determined pursuant to 10 CFR 50.12, this exemption is authorized by law and will not endanger life or property or

the common defense and security and is otherwise in the public interest. Therefore, the Commission hereby grants Wolf Creek Nuclear Operating Corporation an exemption from the requirements of 10 CFR 50, Appendix J, Section III.D.1(a).

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact on the environment (59 FR 27076).

Dated at Rockville, Maryland this 10th day of August 1994.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in cursive script that reads "Jack W. Roe". The signature is written in dark ink and is positioned above the typed name and title.

Jack W. Roe, Director  
Division of Reactor Projects III/IV  
Office of Nuclear Reactor Regulation