February 22, 1999

Mr. Otto L. Maynard
President and Chief Executive Officer
Wolf Creek Nuclear Operating Corporation
Post Office Box 411
Burlington, Kansas 66839

SUBJECT: NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND OPPORTUNITY FOR A HEARING - WOLF CREEK GENERATING STATION (TAC NO. M98738)

Dear Mr. Maynard:

Enclosed is a copy of a "Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for a Hearing," for your information. This notice relates to your application for amendment dated May 15, 1997, and the supplemental letters responding to requests for additional information, in which you proposed to convert the current Technical Specifications (TSs) for the Wolf Creek Generating Station to a set of improved TSs based on NUREG-1431, "Standard Technical Specifications, Westinghouse Plants," Revision 1, dated April 1995. As explained in your application, this conversion is a joint effort in concert with three other utilities: Pacific Gas & Electric Company for Diablo Canyon Power Plant, Units 1 and 2 (Docket Nos. 50-275 and 323); TU Electric for Comanche Peak Steam Electric Station, Units 1 and 2 (Docket Nos. 50-445 and 50-446); and Union Electric Company for Callaway Plant (Docket No. 50-483).

The initial Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Hearing was published in the Federal Register on October 5, 1998 (63 FR 53471). The information included in the supplemental letters indicates that the original notice, that included fourteen proposed beyond-scope issues to the ITS conversion, needs to be expanded and revised to include a total of twenty-two issues.

The enclosed notice supercedes the original notice and has been forwarded to the Office of the Federal Register for publication.

Sincerely,
Original Signed By

Mel Gray, Project Manager
Project Directorate IV-2
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-482

Enclosure: Notice

cc w/encl: See next page

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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 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, issued to the Wolf Creek Nuclear Operating Corporation (WCNOC or the licensee), for operation of the Wolf Creek Generating Station (WCGS), located in Coffey County, Kansas.

The initial Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Hearing was published in the Federal Register on October 5, 1998 (63 FR 53471). The information included in the supplemental letters indicates that the original notice, that included fourteen proposed beyond-scope issues (BSIs) to the Improved Technical Specifications (ITS) conversion, needs to be expanded to add sixteen new BSIs and revised to delete 8 previous BSIs. This includes a total of twenty-two BSIs.

The proposed amendment, requested by the licensee in a letter dated May 15, 1997, as supplemented by letters dated June 30, August 5, August 28, September 24, October 16, October 23, November 24, December 2, December 17, December 21, 1998 and February 4, 1999, would represent a full conversion from the current Technical Specifications (CTS) to a set of improved Technical Specifications (ITS) based on NUREG-1431, "Standard Technical Specifications, Westinghouse Plants," Revision 1, dated April 1995. NUREG-1431 has been developed by the Commission's staff through working groups composed of both NRC staff members and industry representatives, and has been endorsed by the staff as part of an

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industry-wide initiative to standardize and improve the Technical Specifications for nuclear power plants. As part of this submittal, the licensee has applied the criteria contained in the Commission's "Final Policy Statement on Technical Specification Improvements for Nuclear Power Reactors (Final Policy Statement)," published in the Federal Register on July 22, 1993 (58 FR 39132), to the CTS, and, using NUREG-1431 as a basis, proposed an ITS for WCGS. The criteria in the Final Policy Statement were subsequently added to 10 CFR 50.36, "Technical Specifications," in a rule change that was published in the Federal Register on July 19, 1995 (60 FR 36953) and became effective on August 18, 1995.

This conversion is a joint effort in concert with three other utilities: Pacific Gas & Electric Company for Diablo Canyon Power Plant, Units 1 and 2 (Docket Nos. 50-275 and 323); TU Electric for Comanche Peak Steam Electric Station, Units 1 and 2 (Docket Nos. 50-445 and 50-446); and Union Electric Company for Callaway Plant (Docket No. 50-483). It is a goal of the four utilities to make the ITS for all the plants as similar as possible. This joint effort includes a common methodology for the licensees in marking-up the CTS and NUREG-1431 Specifications, and the NUREG-1431 Bases, that has been accepted by the staff. This includes the convention that, if the words in the CTS specification are not the same as the words in the ITS specification but they mean the same or have the same requirements as the words in the ITS specification, the licensee does not indicate or describe the change to the CTS.

This common methodology is discussed at the end of Enclosure 2, "Mark-Up of Current TS"; Enclosure 5a, "Mark-Up of NUREG-1431 Specifications"; and Enclosure 5b, "Mark-Up of NUREG-1431 Bases, for each of the 14 separate ITS sections that were submitted with the licensee's application. For each of the 14 ITS sections, there is also the following: Enclosure 1, the cross reference table connecting each CTS specification (i.e., limiting condition for

operation, required action, or surveillance requirement) to the associated ITS specification, sorted by both CTS and ITS Specifications; Enclosure 3, the description of the changes to the CTS section and the comparison table showing which plants (of the four licensees in the joint effort) that each change applies to; Enclosure 4, the no significant hazards consideration (NHSC) of 10 CFR 50.91 for the changes to the CTS with generic NHSCs for administrative, more restrictive, relocation, and moving-out-of-CTS changes, and individual NHSCs for less restrictive changes and with the organization of the NHSC evaluation discussed in the beginning of the enclosure; and Enclosure 6, the descriptions of the differences from NUREG-1431 specifications and the comparison table showing which plants (of the four licensees in the joint effort) that each difference applies to. Another convention of the common methodology is that the technical justifications for the less restrictive changes are included in the NHSCs.

The licensee has categorized the proposed changes to the CTS into four general groupings. These groupings are characterized as administrative changes, relocated changes, more restrictive changes and less restrictive changes.

Administrative changes are those that involve restructuring, renumbering, rewording, interpretation and complex rearranging of requirements and other changes not affecting technical content or substantially revising an operating requirement. The reformatting, renumbering and rewording process reflects the attributes of NUREG-1431 and does not involve technical changes to the existing TS. The proposed changes include (a) providing the appropriate numbers, etc., for NUREG-1431 bracketed information (information that must be supplied on a plant-specific basis, and which may change from plant to plant), (b) identifying plant-specific wording for system names, etc., and (c) changing NUREG-1431 section wording to conform to existing licensee practices. Such changes are administrative in nature and do not impact initiators of analyzed events or assumed mitigation of accident or transient events.

Relocated changes are those involving relocation of requirements and surveillances for structures, systems, components, or variables that do not meet the criteria for inclusion in TS. Relocated changes are those current TS requirements that do not satisfy or fall within any of the four criteria specified in the Commission's policy statement and may be relocated to appropriate licensee-controlled documents. There will be a license condition to require the licensee to implement the relocations as described in its letters.

The licensee's application of the screening criteria is described in Attachment 2 to its June 2, 1997, submittal, which is entitled, "General Description and Assessment." The affected structures, systems, components or variables are not assumed to be initiators of analyzed events and are not assumed to mitigate accident or transient events. The requirements and surveillances for these affected structures, systems, components, or variables will be relocated from the TS to administratively controlled documents such as the quality assurance program, the updated safety analysis report (USAR), the ITS BASES, the Technical Requirements Manual (TRM) incorporated by reference in the USAR, the Core Operating Limits Report (COLR), the Offsite Dose Calculation Manual (ODCM), the Inservice Testing (IST) Program, or other licensee-controlled documents. Changes made to these documents will be made pursuant to 10 CFR 50.59 or other appropriate control mechanisms, and may be made without prior NRC review and approval. In addition, the affected structures, systems, components, or variables are addressed in existing surveillance procedures that are also subject to 10 CFR 50.59. These proposed changes will not impose or eliminate any requirements.

More restrictive changes are those involving more stringent requirements compared to the CTS for operation of the facility. These more stringent requirements do not result in operation that will alter assumptions relative to the mitigation of an accident or transient event. The more restrictive requirements will not alter the operation of process variables, structures,

systems, and components described in the safety analyses. For each requirement in the CTS that is more restrictive than the corresponding requirement in NUREG-1431 that the licensee proposes to retain in the ITS, they have provided an explanation of why they have concluded that retaining the more restrictive requirement is desirable to ensure safe operation of the facility because of specific design features of the plant.

Less restrictive changes are those where CTS requirements are relaxed or eliminated, or new plant operational flexibility is provided. The more significant "less restrictive" requirements are justified on a case-by-case basis. When requirements have been shown to provide little or no safety benefit, their removal from the TS may be appropriate. In most cases, relaxations previously granted to individual plants on a plant-specific basis were the result of (a) generic NRC actions, (b) new NRC staff positions that have evolved from technological advancements and operating experience, or (c) resolution of the Owners Groups' comments on the Improved Standard Technical Specifications. Generic relaxations contained in NUREG-1431 were reviewed by the staff and found to be acceptable because they are consistent with current licensing practices and NRC regulations. The licensee's design will be reviewed to determine if the specific design basis and licensing basis are consistent with the technical basis for the model requirements in NUREG-1431, thus providing a basis for these revised TS, or if relaxation of the requirements in the current TS is warranted based on the justification provided by the licensee.

These administrative, relocated, more restrictive, and less restrictive changes to the requirements of the CTS do not result in operations that will alter assumptions relative to mitigation of an analyzed accident or transient event. Some of these changes will revise or add new surveillance requirements (SRs) compared to the SRs in the CTS. There may be

scheduling issues with performance of these new or revised SRs. There will be a license condition to define the schedule to begin performing these SRs.

In addition to the proposed changes solely involving the conversion, there are also changes proposed that are different than the requirements in both the CTS and the improved Standard Technical Specifications (NUREG-1431). The first six BSIs listed below were included in the initial notice and still apply to the conversion, however there are sixteen additional BSIs. The additional beyond-scope issues (BSIs) are discussed in the licensee's response to requests for additional information (RAIs) from the NRC staff. These proposed beyond-scope issues to the ITS conversion are as follows:

1. ITS LCOs 3.4.5, 3.4.10, 3.4.11, and 3.4.12 - revise applicability and add a note (to ITS 3.4.5) to add reactor coolant pump start restrictions for low temperature overpressure protection for the reactor coolant system.

2. ITS LCO 3.4.7 and SRs 3.4.5.2, 3.4.6.2, and 3.4.7.2 - revise steam generator level requirements in Modes 3, 4, and 5 to ensure tubes are covered.

3. ITS SR 3.6.3.7 - note added to not require leak rate test of containment purge valves with resilient seals when penetration flow path is isolated by leak-tested blank flange.

4. ITS LCO 3.8.6 - revise battery float voltage in Table 3.8.6-1.

5. ITS SRs 3.8.4.1 and 3.8.4.6 - revises the minimum allowable battery voltage.

6. ITS SR 3.8.4.8 - revise restriction for rated capacity for the installed AT&T round cell batteries.

The sixteen additional BSIs are listed below with the associated change number, RAI number, RAI response submittal date, and description of the change.

7. Change 4-05-LS-31(ITS3/4.4), question Q3.4.11-3, response letter dated December 21, 1998. The change would revise actions of CTS LCO 3.4.4 for inoperable power-

operated relief valves and their associated block valves to be in hot shutdown by replacing it with the requirement to reduce T_{avg} to <500°F. For consistency, the actions of CTS LCO 3.4.7, for specific activity of the reactor coolant, would be similarly revised and the time to reach the required T_{avg} extended by 6 hours.

8. Change 1-22-M (ITS3/4.3), question Q3.3-49, response letter dated November 24, 1998. The change was requested in the original application. Quarterly channel operational tests (COTs) would be added to CTS Table 4.3-1 for the power range neutron flux-low, intermediate range neutron flux, and source range flux trip functions. The CTS only require a COT prior to startup for these functions. New Note 19 would be added to require that the new quarterly COT be performed within 12 hours after reducing power below P-10 for the power range and intermediate range instrumentation (P-10 is the dividing point marking the Applicability for these trip functions), if not performed within the previous 92 days. New Note 20 would be added such that the P-6 and P-10 interlocks are verified to be in their required state during all COTs on the power range neutron flux-low and intermediate range neutron flux trip functions.

9. Change 1-7-LS-3 (ITS 3/4.3), question Q3.3-107, response letter dated December 2, 1998. The change was requested in the original application and would (1) extend the completion time for CTS Action 3.b from no time specified to 24 hours for channel restoration or changing the power level to either below P-6 or above P-10, (2) reduce the applicability of the intermediate range neutron flux channels and delete CTS Action 3.a as being outside the revised applicability, and (3) add a less restrictive new action that requires immediate suspension of operations involving positive reactivity additions and a power reduction below P-6 within 2 hours, but no longer require a reduction to Mode 3.

10. Change 1-9-A (ITS 5.0), question Q5.2-1, response letter dated September 24, 1998. A new administrative change was added. The CTS 6.2.2.e requirements concerning overtime would be replaced by a reference to administrative procedures for the control of working hours.

11. Change 1-15-A (ITS 5.0), question Q5.2-1, response letter dated September 24, 1998. A new administrative change was added. The proposed change would revise CTS 6.2.2.G to eliminate the title of Shift Technical Advisor. The engineering expertise is maintained on shift, but a separate individual would not be required as allowed by a Commission Policy Statement.

12. Change 2-18-A (ITS 5.0), question Q5.2-1, response letter dated September 24, 1998. The proposed change is a revision to the original application. The dose rate limits in the Radioactive Effluent Controls Program for releases to areas beyond the site boundary would be revised to reflect 10 CFR Part 20 requirements.

13. Change 2-22-A (ITS 5.0), question Q5.2-1, response letter dated September 24, 1998. A new administrative change is added. The Radioactive Effluents Controls Program would be revised to include clarification statements denoting that the provisions of CTS 4.0.2 and 4.0.3, which allow extensions to surveillance frequencies, are applicable to these activities.

14. Change 3-11-A (ITS 5.0), question Q5.2-1, response letter dated September 24, 1998. The proposed change is a revision to the original application. CTS 6.12, which provides high radiation area access control alternatives pursuant to 10 CFR 20.203(c)(2), would be revised to meet the current requirements in 10 CFR Part 20 and the guidance in NRC Regulatory Guide 8.38, "Control of Access to High and Very High Radiation Areas in Nuclear Power Plants," on such access controls.

15. Change 3-18-LS-5 (ITS 5.0), question Q5.2-1, response letter dated September 24, 1998. Proposed change 3-18-A was requested in the original application and is revised to be a new less restrictive change. The CTS 6.9.1.8 requirement to provide documentation of all challenges to the power operated relief valves (PORVs) and safety valves on the reactor coolant system would be deleted. This is based on NRC Generic Letter 97-02, "Revised Contents of the Monthly Operating Report," which reduced the requirements for submitting such information to the NRC. The GL did not include these valves for information to be submitted.

16. Change 9-17-LS-24 (ITS 3.4/4), question Q 9-17-LS-24, response letter dated September 24, 1998. The proposed change was requested in the original application. The proposed change would add four notes to CTS LCO 3.4.9.3, to reflect CTS SR 4.5.3.2, LCO 3.5.4 actions, LCO 3.5.4 applicability notes, and the accumulator action added in CN 9-10-M for CTS 3/4.4. Note 1 on centrifugal charging pump (CCP) swap operations would be a relaxation of the CTS because it allows both CCPs to be capable of injecting into the RCS for up to 4 hours throughout low temperature overpressure protection (LTOP) applicability.

17. Change 10-20-LS-39 (ITS 3/4.7), question Q3.7.10-14, response letter dated October 16, 1998. The proposed change was requested in the original application and would revise and add an action to CTS LCOs 3.7.6 and 3.7.7 for ventilation system pressure envelope degradation that allows 24 hours to restore the control room pressure envelope through repairs before requiring the unit to perform an orderly shutdown. The new action has a longer allowed outage time than LCO 3.0.4 which the CTS would require to be entered immediately. This change recognizes that the ventilation trains associated with the pressure envelope would still be operable.

18. Change 4-8-LS-34 (ITS 3/4.4), question Q3.4.11-2, response letter dated September 24, 1998. The proposed change was requested in the original application. The proposed change would limit the CTS SRs 4.4.4.1 and 4.4.4.2 requirements to perform the 92 day surveillance of the pressurizer PORV block valves and the 18 month surveillance of the pressurizer PORVs (i.e., perform one complete cycle of each valve) to only Modes 1 and 2.

19. Change 4-9-LS-36, (ITS 3/4.4), question Q3.4.11-4, response letter dated September 24, 1998. The proposed change in the original application is revised to add a note to Action d for CTS LCO 3.4.4 that would state that the action does not apply when the PORV block valves are inoperable as a result of power being removed from the valves in accordance with Action b or c for an inoperable PORV.

20. Change 1-60-A, (ITS3/4.3), question TR3.3-0073.3, response letter dated December 21, 1998. A new administrative change is being added. The frequency for conducting the trip actuating device operational test (TADOT) for the turbine trip of the reactor trip instrumentation surveillance requirements in CTS Table 4.3-1 would be changed from "prior to reactor startup" to "prior to exceeding the P-9 interlock whenever the unit has been in Mode 3."

21. Change 1-70-M (ITS 3/4.8), question Q3.8.2-04, response letter dated December 17, 1998. A new more restrictive change is being added. The change would add shutdown requirements (including actions) for the load shedder and emergency load sequencer (LSELS) to CTS LCO 3.8.1.2 and surveillance requirements in SR 4.8.1.2. These requirements would reflect current practice.

22. Change 2-25-LS-23 (ITS 3/4.8). The proposed change was requested in the original application and would allow substitution of the service test with a performance discharge test or modified performance discharge test.

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.

By March 29, 1999, 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 rooms located at the 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.

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 Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to Mr. Jay Silberg, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, N.W., Washington, D.C., 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).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated May 15, 1997, as supplemented by letters dated June 30, August 5, August 28, September 24, October 16, October 23, November 24, December 2, December 17, December 21, 1998, and

February 4, 1999, 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 rooms located at the 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 22nd day of February 1999.

FOR THE NUCLEAR REGULATORY COMMISSION

Mel Gray

Mel Gray, Project Manager
Project Directorate IV-2
Division of Licensing Project Management
Office of Nuclear Reactor Regulation