

May 11, 1998

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, PROPOSED NO SIGNIFICANT HAZARDS  
CONSIDERATION DETERMINATION, AND OPPORTUNITY FOR A HEARING  
(TAC NO. MA1713)

Dear Mr. Maynard:

Enclosed is a copy of the subject notice that relates to your application for amendment dated May 8, 1998, as supplemented by letter dated May 11, 1998. The proposed amendment would add a new action statement to Technical Specification 3/4.3.2, Table 3.3-3, Functional Unit 7.b, Refueling Water Storage Tank Level - Low-Low Coincident with Safety Injection.

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

Sincerely,

Original Signed By

Kristine M. Thomas, Project Manager  
Project Directorate IV-2  
Division of Reactor Projects III/IV  
Office of Nuclear Reactor Regulation

Docket No. 50-482

Enclosure: Notice

cc w/encl: See next page

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Mr. Otto L. Maynard

- 2 -

May 11, 1998

cc w/encl:

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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, 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, issued to Wolf Creek Nuclear Operating Corporation (the licensee), for operation of the Wolf Creek Nuclear Generating Station, located in Coffee County, Kansas

The proposed amendment would add a new action statement to Technical Specification 3/4.3.2, Table 3.3-3, Functional Unit 7.b., Refueling Water Storage Tank Level - Low-Low Coincident with Safety Injection.

On May 5, 1998, Wolf Creek Nuclear Operating Corporation (WCNOC) control room personnel were reviewing the technical specifications associated with the refueling water storage tank (RWST) level, instrumentation and the performance of surveillance procedure, STS IC-201, "Analog Channel Operational Test 7300 Process Instrumentation Protection Set 1 (Red)." During that review, control room personnel identified that when the RWST level channel is taken into the test position, the channel is actually put in a tripped condition. However, the associated Technical Specification Action Statement (TS 3.3-2, Functional Unit 7.b, Action 16) for an inoperable channel indicates that the inoperable channel must be placed in the bypass condition. There is no time limit allowance for placing an inoperable channel in

the bypass condition associated with Action 16. Since this surveillance would render the channel inoperable, and there is no way of performing the surveillance with the channel in the bypass condition, WCNOG personnel determined that a technical specification amendment would be needed to allow the surveillance test to be completed.

The RWST level instrumentation analog channel operational test (STS IC-201) was last performed on February 5, 1998. The surveillance is required by Technical Specification Surveillance Requirement 4.3.2.1 to be performed on a quarterly basis. Taking into account the extra 25 percent allowance from Technical Specification 4.0.2, this surveillance would go overdue, rendering the channel inoperable, on May 31, 1998. The first surveillance test (STS IC-202) for an RWST level channel would go overdue on May 29, 1998, and another channel surveillance test (STS IC-203) will go overdue on May 30, 1998. With two channels being inoperable, entry into Technical Specification 3.0.3 would be required, forcing shutdown of Wolf Creek Generating Station (WCGS). The time between initial discovery of this event (May 5, 1998) and the date when a forced shutdown of WCGS (May 30, 1998) is less than 30 days; therefore, there is not enough time for normal processing of an amendment.

WCNOG believes that, given the circumstances surrounding the discovery of this event and the complexity of the instrumentation function, WCNOG has made a best effort to submit a timely application for this amendment. WCNOG has not delayed any actions in order to create the need for exigency and therefore take advantage of the procedure described in 10 CFR 50.91 for exigent amendments. WCNOG believes that this exigent amendment is unavoidable and meets the criterion of 10 CFR 50.91(a)(6) for an exigent request.

The staff finds the licensee acted in a timely manner, the licensee has not abused the exigent provisions and there is not sufficient time to process this amendment request in the routine manner as described in 10 CFR 50.91 without causing an unnecessary plant shutdown.

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 new Action Statement 30 for Functional Unit 7.b. of Table 3.3-3, Automatic Switchover to Containment Sump or RWST Level Low-Low Coincident with Safety Injection, reflects the current plant design and testing practices. As discussed in License Amendment No. 43 and associated submittals, the increase in allowed outage time was evaluated and the associated unavailability and risk was shown to be equivalent to, or less than, that of other functional units evaluated in WCAP-10271, Supplement 2, Revision 1. The proposed change does not change any previously evaluated accident and therefore does not involve an increase in the probability or consequences of an accident previously evaluated.

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

The proposed change will not result in physical alteration to any plant system nor will there be a change in the method by which any safety-related plant system performs its safety function. The proposed change does not alter the functioning of the Engineered Safety Features Actuation System (ESFAS) or change the manner in which the ESFAS provides plant protection. Therefore, there is no possibility of a new or different kind of accident from any accident previously evaluated.

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

The proposed change does not alter any safety limits, limiting safety system settings, or limiting conditions for operation. The proposed change will not involve a significant reduction in any margin of safety.

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 by 4:30 p.m. eastern time on May 27, 1998 (i.e., within 14 days of the date of the notice) will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 14-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 14-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 Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory

Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, 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.

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

By June 15, 1998, 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 at the 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 20555-0001, 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 Jay Silberg, Esq.,

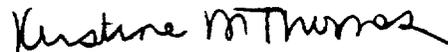
Shaw, Pittman, Potts and Trowbridge, 2300 N Street, N.W., Washington, D. C. 20037, attorney for the licensee.

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).

For further details with respect to this action, see the application for amendment dated May 8, 1998, as supplemented by letter dated May 11, 1998, 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 at the Washburn University School of Law Library, Topeka, Kansas 66621.

Dated at Rockville, Maryland, this 11th day of May 1998.

FOR THE NUCLEAR REGULATORY COMMISSION



Kristine M. Thomas, Project Manager  
Project Directorate IV-2  
Division of Reactor Projects - III/IV  
Office of Nuclear Reactor Regulation