November 20, 2003

Mr. Thomas Coutu
Site Vice President
Kewaunee Nuclear Power Plant
Nuclear Management Company, LLC
N490 Highway 42
Kewaunee, WI 54216-9511

SUBJECT: KEWAUNEE NUCLEAR POWER PLANT - ISSUANCE OF AMENDMENT (TAC NO. MB6993)

Dear Mr. Coutu:

The U.S. Nuclear Regulatory Commission has issued the enclosed Amendment No. 171 to Facility Operating License No. DPR-43 for the Kewaunee Nuclear Power Plant. This amendment revises the Technical Specifications (TSs) in response to your application dated December 19, 2002, as supplemented July 25, 2003.

The amendment revises the reporting requirements for the discovery of defective or degraded steam generator tubes. The amendment aligns the TS reporting requirements with the current requirements in 10 CFR 50.72 and 10 CFR 50.73.

A copy of the Safety Evaluation is also enclosed. The Notice of Issuance will be included in the Commission's next regular biweekly *Federal Register* notice.

Sincerely,

/RA/

Anthony C. McMurtray, Senior Project Manager, Section 1,
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-305

Enclosures: 1. Amendment No. 171 to License No. DPR-43
2. Safety Evaluation

cc w/encls: See next page

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Distribution w/encls:

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OGC	PLouden, RIII
JLamb	DHills, RIII

ADAMS ACCESSION NUMBER: ML032940169 *Provided SE input by memo

OFFICE	PM:PD3-1	LA:PD3-1	SC:EMCB*	OGC	SC:PD3-1
NAME	AMcMurtray	THarris	LLund	AFernandez	MShuaibi for LRaghavan
DATE	10/24/03	10/24/03	8/29/03	11/17/03	11/18/03

OFFICIAL RECORD COPY

Kewaunee Nuclear Power Plant

cc:

John Paul Cowan
Executive Vice President &
Chief Nuclear Officer
Nuclear Management Company, LLC
700 First Street
Hudson, MI 54016

Kyle Hoops
Plant Manager
Kewaunee Nuclear Power Plant
N490 Highway 42
Kewaunee, WI 54216-9511

Gordon P. Arent
Manager, Regulatory Affairs
Kewaunee Nuclear Power Plant
N490 Highway 42
Kewaunee, WI 54216-9511

David Molzahn
Nuclear Asset Manager
Wisconsin Public Service Corporation
600 N. Adams Street
Green Bay, WI 54307-9002

Thomas Webb
Nuclear Asset Manager
Wisconsin Public Service Corporation
600 N. Adams Street
Green Bay, WI 54307-9002

Resident Inspectors Office
U. S. Nuclear Regulatory Commission
N490 Hwy 42
Kewaunee, WI 54216-9510

Regional Administrator
Region III
U. S. Nuclear Regulatory Commission
801 Warrenville Road
Lisle, IL 60532-4351

Jonathan Rogoff
Vice President, Counsel & Secretary
Nuclear Management Company, LLC
700 First Street
Hudson, WI 54016

Larry L. Weyers
Chairman, President and CEO
Wisconsin Public Service Corporation
600 North Adams Street
Greey Bay, WI 54307-9002

David Zellner
Chairman - Town of Carlton
N2164 County B
Kewaunee, WI 54216

Mr. Jeffery Kitsembel
Electric Division
Public Service Commission of Wisconsin
PO Box 7854
Madison, WI 53707-7854

NUCLEAR MANAGEMENT COMPANY, LLC

DOCKET NO. 50-305

KEWAUNEE NUCLEAR POWER PLANT

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 171
License No. DPR-43

1. The U.S. Nuclear Regulatory Commission (the Commission) has found that:

   A. The application for amendment by Nuclear Management Company, LLC (NMC), dated December 19, 2002, as supplemented July 25, 2003, 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, 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 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, the license is amended by changes to the Technical Specifications as indicated in the attachment to this license amendment, and paragraph 2.C.(2) of Facility Operating License No. DPR-43 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 171, are hereby incorporated in the license. The licensees shall operate the facility in accordance with the Technical Specifications.

3. This license amendment is effective as of its date of issuance and shall be implemented within 30 days of the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA by MShuaibi for/

L. Raghavan, Chief, Section 1
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachment: Changes to the Technical Specifications

Date of Issuance: November 20, 2003

ATTACHMENT TO LICENSE AMENDMENT NO. 171

FACILITY OPERATING LICENSE NO. DPR-43

DOCKET NO. 50-305

Replace the following pages of the Appendix A Technical Specifications with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

REMOVE	INSERT
TS 4.2-5	TS 4.2-5
TS 4.2.6	TS 4.2-6

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATING TO AMENDMENT NO. 171 TO FACILITY OPERATING LICENSE NO. DPR-43

NUCLEAR MANAGEMENT COMPANY, LLC

KEWAUNEE NUCLEAR POWER PLANT

DOCKET NO. 50-305

1.0 INTRODUCTION

In an application dated December 19, 2002, and supplemented July 25, 2003, Nuclear Management Company (NMC or the licensee) proposed changes to the technical specifications (TSs) for the Kewaunee Nuclear Power Plant. The supplemental letter contained clarifying information and did not change the initial no significant hazards consideration determination and did not expand the scope of the original *Federal Register* notice.

NMC proposed to extend the reporting requirement, following each in-service inspection during which steam generator tubes were plugged, from within 30 days to within 60 days, and the notification of degraded steam generator tubes (C-3 category) from 4 hours to 8 hours. The proposed changes are consistent with currently approved Nuclear Regulatory Commission (NRC) staff positions as noted in 10 CFR 50.72, 10 CFR 50.73 and NUREG-1022, Revision 2, "Event Reporting Guidelines 10 CFR 50.72 and 50.73."

2.0 REGULATORY EVALUATION

2.1 Proposed Change to TS 4.2.b.7.a

TS 4.2.b.7.a currently states that "Following each in-service inspection of steam generator tubes during which tubes are plugged, the number of tubes plugged shall be reported to the Commission within 30 days." NMC proposed to extend the reporting period to within 60 days after steam generator in-service inspection to be consistent with the reporting period listed in 10 CFR 50.73, "License Event Report System."

In a request for additional information dated June 13, 2003, the NRC staff requested NMC to cite and explain the specific subparagraph in 10 CFR 50.73 that is applicable to the tube plugging report. The NRC staff also requested clarification on the starting point of the 60-day reporting period.

In the July 25, 2003, response, NMC stated that the applicable subparagraph was 10 CFR 50.73(a)(2)(ii)(A), which states that the licensee shall report, within 60 days after the discovery of the event, any event or condition that resulted in "the condition of the nuclear power plant, including its principal safety barriers, being seriously degraded."

This determination is further clarified in the NRC report, NUREG-1022, Revision 2, “Event Reporting Guidelines 10 CFR 50.72 and 50.73." NUREG-1022 states that the 60-day reporting criterion applies to material (e.g., metallurgical or chemical) problems that cause abnormal degradation of or stress upon the principal safety barriers (i.e., the fuel cladding, reactor coolant system pressure boundary, or the containment). Additionally, NUREG-1022 states that an example of a reportable event include serious steam generator tube degradation.

2.2 Proposed Change to TS 4.2.b.7.c

TS 4.2.b.7.c currently states that “If a steam generator tube inspection result falls into Category C-3, the Commission shall be promptly (within 4 hours) notified according to requirements of 10 CFR 50.72(b)(2)(ii)....” NMC proposed to replace 10 CFR 50.72(b)(2)(ii) in the above requirement with 10 CFR 50.72(b)(3)(ii) and delete the paranthetical phrase “(within 4 hours).” The regulation at 10 CFR 50.72(b)(3)(ii) requires notification be made within 8 hours; therefore, this will extend the current TS reporting requirement for the C-3 category notification.

The C-3 category is defined in the Kewaunee TS as “...More than 10 percent of the total tubes inspected are degraded tubes or more than 1 percent of the inspected tubes are defective...” The degraded tube is defined as a tube containing degradation greater than or equal to 20 percent of the nominal wall thickness. A defect is defined as “...an imperfection that violates criteria [the plugging limit] used to determine acceptability of a tube for continued use in operation...”

In the July 25, 2003, response to the NRC staff’s question regarding the applicability of 10 CFR 50.72 to the C-3 category notification, NMC stated that 10 CFR 50.72(b)(3)(ii)(A) is applicable to the C-3 category notification. This subparagraph states that the licensee shall notify the NRC as soon as practical and in all cases within 8 hours of the occurrence of any event or condition that results in “the condition of the nuclear power plant, including its principal safety barriers, being seriously degraded.”

NMC stated that the applicability of this subparagraph can also be found in NUREG-1022, Revision 2. In Table 2 of NUREG-1022, it is stated that an 8-hour report is required for the seriously degraded principal safety barriers in accordance with 10 CFR 50.72(b)(3)(ii). Also, in the NRC’s safety evaluation for Kewaunee TS Amendment No. 73, dated April 1, 1987, the NRC staff stated that Category C-3 inspection results are considered abnormal degradation to a principal safety barrier and are, therefore, reportable under 10 CFR 50.72.

3.0 TECHNICAL EVALUATION

3.1 Proposed Change to TS 4.2.b.7.a

NMC will submit a license event report (i.e., the tube plugging report) within 60 days from the completion of the eddy current data analysis of the steam generator inspection results following each in-service inspection of steam generator tubes during which tubes are plugged. NMC noted that a logical date to start the reporting period is upon completion of the eddy current analysis, since a complete listing of tubes required to be plugged is not finalized until this point. This is consistent with the current plant TSs.

The NRC staff finds the proposed change to TS 4.2.b.7.a acceptable because the proposed change will result in the steam generator inspection results being submitted to the NRC in a reasonably early period of plant's operating cycle.

3.2 Proposed Change to TS 4.2.b.7.c

NMC stated that if the Kewaunee steam generator inspection analysis resulted in categorizing a steam generator as C-3, the NRC would be notified within 8 hours. Since the plant is in a shutdown condition during steam generator inspections, with the steam generators isolated from the reactor coolant and not providing any safety function, immediate followup notification to the NRC is not needed and reporting of inspection results to the NRC within 8 hours is reasonable.

The NRC staff finds that the proposed changes to TS 4.2.b.7.c are acceptable because the changes will result in the steam generator inspection information being submitted to the NRC in a timely manner.

3.3 Conclusion

The NRC staff finds that NMC's proposed changes to TS 4.2.b.7.a and TS 4.2.b.7.c satisfy the requirements of 10 CFR 50.72 and 10 CFR 50.73 and are, therefore, acceptable.

4.0 STATE CONSULTATION

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

5.0 ENVIRONMENTAL CONSIDERATION

This amendment changes a reporting requirement. The staff has determined that the amendment involves no significant increase in the amounts, and no significant change in the types, of any effluent that may be released offsite and that there is no significant increase in individual or cumulative occupational radiation exposure. The Commission has previously issued a proposed finding that this amendment involves no significant hazards consideration and there has been no public comment on such finding (68 FR 2807). Accordingly, this amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(10). Pursuant to 10 CFR 51.22(b) no environmental impact statement or environmental assessment need be prepared in connection with the issuance of this amendment.

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

Principal Contributor: J. Tsao

Date: November 20, 2003