

April 6, 2005

Mr. Craig W. Lambert
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
RE: RELOCATION OF SURVEILLANCE REQUIREMENTS (TAC NO. MC3772)

Dear Mr. Lambert:

The U. S. Nuclear Regulatory Commission has issued the enclosed Amendment No. 182 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 July 6, 2004, as supplemented on January 27, 2005.

The amendment relocates the calibration requirement of Table TS 4.1-1, Item 22, "Accumulator Level and Pressure," and the surveillance requirements of Table TS 4.1-1, Item 25, "Portable Radiation Survey Instruments," from the TSs to licensee-controlled documents. Your application also proposed revising TS 3.3.a.2.B by extending the completion time from 1 hour to 24 hours for an accumulator that is inoperable for any reason other than failure to meet minimum boron concentration requirements. The revision to TS 3.3.a.2.B was previously approved by Amendment No. 178, dated October 5, 2004.

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/

Carl F. Lyon, 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. 182 to
License No. DPR-43
2. Safety Evaluation

cc w/ encls: See next page

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Carl F. Lyon, Project Manager, Section 1
Project Directorate III
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NUCLEAR MANAGEMENT COMPANY, LLC

DOCKET NO. 50-305

KEWAUNEE NUCLEAR POWER PLANT

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 182

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 July 6, 2004, as supplemented January 27, 2005, 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. 182, 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 60 days of the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

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: April 6, 2005

ATTACHMENT TO LICENSE AMENDMENT NO. 182

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

Table TS 4.1-1, Page 4 of 7 Table TS 4.1-1, Page 4 of 7

Table TS 4.1-1, Page 5 of 7 Table TS 4.1-1, Page 5 of 7

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATING TO AMENDMENT NO. 182 TO FACILITY OPERATING LICENSE NO. DPR-43
NUCLEAR MANAGEMENT COMPANY, LLC
KEWAUNEE NUCLEAR POWER PLANT
DOCKET NO. 50-305

1.0 INTRODUCTION

By application to the Nuclear Regulatory Commission (NRC, Commission) dated July 6, 2004, as supplemented on January 27, 2005, the Nuclear Management Company, LLC (NMC, or the licensee), proposed an amendment to the Technical Specifications (TSs) for Kewaunee Nuclear Power Plant (KNPP). The proposed changes would relocate the calibration requirement of Table TS 4.1-1, Item 22, "Accumulator Level and Pressure," and the surveillance requirements of Table TS 4.1-1, Item 25, "Portable Radiation Survey Instruments," from the TSs to licensee-controlled documents.

The licensee also proposed revising TS 3.3.a.2.B by extending the completion time from 1 hour to 24 hours for an accumulator that is inoperable for any reason other than failure to meet minimum boron concentration requirements. The revision to TS 3.3.a.2.B was previously approved by Amendment No. 178, dated October 5, 2004.

The supplement, dated January 27, 2005, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination as published in the *Federal Register* on August 31, 2004 (69 FR 53112).

2.0 EVALUATION

2.1 Table TS 4.1-1, Item 22, "Accumulator Level and Pressure"

In December 1992, the NRC completed a comprehensive examination of surveillance requirements in TSs that require testing during power operation. The results were published in NUREG-1366, "Improvements to Technical Specifications Surveillance Requirements." Subsequently, the NRC issued Generic Letter (GL) 93-05, "Guidance for Implementing Line-Item Technical Specifications Improvements to Reduce Testing During Power Operation," to provide guidance to licensees for implementing the recommendations of NUREG-1366.

The licensee proposes to implement the recommendation of GL 93-05, Item 7.4, "Accumulator Water Level and Pressure Channel Surveillance Requirements (PWR)." During the development of Standard Technical Specifications (STS), the NRC and industry recognized that accumulator instrumentation operability is not directly related to the capability of the

accumulators to perform their safety function. Therefore, surveillance requirements for this instrumentation were relocated from the STS. The only surveillance retained was that required to confirm that the parameters defining accumulator operability are within their specified limits.

The licensee proposes to relocate only the calibration requirement of Table TS 4.1-1, Item 22, "Accumulator Level and Pressure," to plant procedures. The licensee proposes to retain the shift checks of accumulator level and pressure used to confirm accumulator operability. The licensee stated that relocation of the calibration requirement of Table TS 4.1-1, Item 22, "Accumulator Level and Pressure," to plant procedures is consistent with and implements the recommendations of GL 93-05. Therefore, the proposed change is acceptable to the staff.

2.2 Table 4.1-1, Item 25, "Portable Radiation Survey Instruments"

The licensee proposes to delete Item 25, "Portable Radiation Survey Instruments," of Table TS 4.1-1, "Minimum Frequencies for Checks, Calibrations, and Tests of Instrument Channels," from the TSs and relocate the surveillance requirements of the TSs for all of KNPP's portable radiation survey instruments to licensee-controlled documents. Portable radiation monitoring instruments, such as ion chambers, radiation survey meters, and air samplers, are normally utilized and maintained by the licensee for routine surveys and are available for emergency use. The relocation of Item 25 from TSs to licensee-controlled documents is based on the selection criteria of 10 CFR 50.36, "Technical specifications." This proposed change will remove an item that is not specifically required to be in the TSs. The staff evaluation contained in this document focuses on verifying that the proposed TS change meets the regulatory requirements in 10 CFR 50.36(c)(2)(ii) [i.e., the four criteria for which a Limiting Condition for Operation (LCO) is established].

2.2.1 Regulatory Evaluation

The regulatory requirements and guidance on which the NRC staff based its review are as follows:

Regulations:

10 CFR 50.36(c)(2), "Technical specifications, Limiting conditions for operation,"

10 CFR 20.1101(a) and (b), "Radiation protection programs,"

10 CFR 50.47(b)(8), "Emergency plans," and

10 CFR 50, Appendix E, "Emergency Planning and Preparedness for Production and Utilization Facilities."

Guidance:

ANSI N323-1978, American National Standards Institute "Radiation Protection Instrumentation Test and Calibration."

NUREG-1301, Generic Letter 89-01, Supplement No. 1, "Offsite Dose Calculation

Manual Guidance: Standard Radiological Effluent Controls for Pressurized-Water Reactors.”

NUREG-0654/FEMA-REP-1, Rev. 1, “Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants.”

2.2.2 Technical Evaluation

The licensee has evaluated the overall impact of deleting portable radiation survey instruments from the surveillance requirements portion of their TSs and relocating them to licensee controlled documents. NMC determined that this item did not meet the requirements for being included in the TSs when assessed against the criteria of 10 CFR 50.36(c)(2), "Limiting condition for operation" (i.e., a limiting condition for operation is the lowest functional capability or performance level of equipment required for safe operation of the facility). Surveillance requirements, as stated in 10 CFR 50.36(c)(3), are requirements relating to test, calibration, or inspection that assure the LCO will be met. However, surveillance requirements for portable radiation survey instruments encompassed in the current TSs do not meet the four criteria of 10 CFR 50.36(c)(2)(ii) for which an LCO is established. The four criteria are stated below with the licensee's assessment:

- (A) Criterion 1. Installed instrumentation that is used to detect, and indicate in the control room, a significant abnormal degradation of the reactor coolant pressure boundary.

The portable radiation survey instrumentation described in Table TS 4.1-1 is not used to detect degradation of the reactor coolant pressure boundary. Additionally, these instruments are not installed in the plant and do not indicate in the control room.

- (B) Criterion 2. A process variable, design feature, or operating restriction that is an initial condition of a design-basis accident or transient analysis that either assumes the failure of or presents a challenge to the integrity of a fission product barrier.

Portable radiation survey instruments do not interface or connect to any plant equipment. Therefore, they are not a process variable nor do they produce a process variable that is an initial condition of a design-basis accident or transient. The instruments are not a design feature of any system and do not impose any operating restrictions that are initial conditions of a design-basis accident or transient.

- (C) Criterion 3. A structure, system, or component that is part of the primary success path and which functions or actuates to mitigate a design-basis accident or transient that either assumes the failure of or presents a challenge to the integrity of a fission product barrier.

Portable radiation survey instruments are not structures, systems, or components that function to mitigate the consequences of a design-basis accident or transient.

The instruments do not interface with any plant equipment and do not provide the primary automatic response to a design-basis accident or transient.

- (D) Criterion 4. A structure, system, or components which operating experience or probabilistic risk assessment has shown to be significant to public health and safety.

The functions of portable radiation survey instruments like those of TS 4.1-1, Item 25, are not traditionally judged to represent significant risk to the public. These instruments are not part of any structures, systems, or components important to safety and do not have any operating experience or a probabilistic risk assessment that shows any affect on public health and safety.

Based on the above, the staff agrees with the licensee's assessment of the four criteria of 10 CFR 50.36(c)(2)(ii).

The licensee has evaluated Item 25 of Table TS 4.1-1, which requires monthly performance of a source check on portable radiation survey instruments. Current plant Radiation Protection practices and procedures justify eliminating the monthly source check. Industry Standard ANSI N323-1978, "Radiation Protection Instrumentation Test and Calibration," states that an instrument shall be tested with the check source prior to each intermittent use. KNPP radiation protection procedures, as well as emergency plan implementing procedures, require a source check prior to use. Additionally, the use of a source check is included in the training given to radiation protection technicians. Therefore, KNPP practices and procedures meet the ANSI Standard recommendations and ensure that all portable instruments will be functional prior to use.

Thus, the licensee has shown compliance with the requirements of 10 CFR 20.1101(a) and (b), in that the licensee has a radiation protection program in place and utilizes procedures to control radiation exposure to their workers. In addition, the licensee's amendment request is consistent with the guidance in GL 89-01. One of the intents of GL 89-01 is to relocate certain procedural details, that are not required to be included in TSs by 10 CFR 50.36a, from the radiological effluent TSs to licensee-controlled documents. The staff reviewed the proposed change and determined that it simplifies the TSs, meets the regulatory requirements for radioactive effluents and radiological environmental monitoring, and is consistent with the Commission's Interim Policy Statement on TS Improvements (52 FR 3788). Therefore, the proposed change is consistent with the guidance of GL 89-01.

Finally, the TS surveillance requirements for Emergency Preparedness (EP) portable radiation survey instruments will be relocated to the Technical Requirements Manual. The frequency of the source check for EP portable radiation survey instruments will change from monthly to quarterly and prior to use. This frequency of source checking is in agreement with the guidance in Evaluation Criteria H.10 (i.e., under Emergency Facility and Equipment, the inspection, inventory, and operational checks of emergency equipment and instruments) of NUREG-0654/FEMA-REP-1, and is therefore, acceptable.

Since the licensee (1) meets the guidance of GL 89-01 for simplifying the radiological effluent TSs and NUREG-0654 for frequency of source checking the portable radiation survey

instruments; (2) meets the regulatory requirements of 10 CFR 50.36(c)(2)(ii) criteria for items requiring TS LCOs; (3) meets the requirements for emergency equipment to support the emergency program and emergency plan requirements of 10 CFR 50.47(b)(8) and Appendix E of 10 CFR Part 50; and (4) meets the radiation protection program requirements of 10 CFR 20.1101, the proposed change is acceptable to the staff.

3.0 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.

4.0 ENVIRONMENTAL CONSIDERATION

The amendment changes a requirement with respect to installation or use of a facility component located within the restricted area as defined in 10 CFR Part 20. The NRC staff has determined that the amendment involves no significant increase in the amounts and no significant change in the types of any effluents 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 the amendment involves no significant hazards consideration, and there has been no public comment on such finding (69 FR 53112). Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Pursuant to 10 CFR 51.22(b) no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendment.

5.0 CONCLUSION

The Commission has concluded, based on the considerations discussed above, that the licensee's proposed amendment is acceptable, and 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. Therefore, the proposed changes are acceptable to the staff.

Principal Contributors: R. Schmitt
F. Lyon

Dated: April 6, 2005