

November 15, 2006

Mr. Rick A. Muench
President and Chief Executive Officer
Wolf Creek Nuclear Operating Corporation
Post Office Box 411
Burlington, KS 66839

SUBJECT: WOLF CREEK GENERATING STATION - ISSUANCE OF AMENDMENT RE:
REVISION TO TECHNICAL SPECIFICATION 5.5.8 ON THE INSERVICE
TESTING PROGRAM (TAC NO. MC9726)

Dear Mr. Muench:

The U.S. Nuclear Regulatory Commission (the Commission) has issued the enclosed Amendment No. 172 to Facility Operating License No. NPF-42 for the Wolf Creek Generating Station. The amendment consists of changes to the Technical Specifications (TSs) in response to your application dated February 1, 2006 (ET 06-0001), as supplemented by letter dated May 24, 2006 (WO 06-0022).

The amendment revises the Inservice Testing Program in Section 5.5.8 of the Administrative Controls, "Programs and Manuals," section of the TSs to adopt the NRC-approved Technical Specification Task Force (TSTF)-479, Revision 0 (TSTF-479R0), "Changes to Reflect Revision of 10 CFR 50.55a." In the supplemental letter dated May 24, 2006, it was also pointed out that, although TSTF-479R0 had been approved by NRC, an additional TS change to the TSTF was identified by NRC in the review of the above application. The additional change was submitted in the letter dated May 24, 2006, but it was also requested that the NRC fees associated with this additional change be returned to the licensee. In reviewing the request, we have determined that the NRC review time associated with the change to TSTF-479R0 was not charged to any plant-specific review; therefore, there are no fees associated with this additional change to be returned.

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

Sincerely,

/RA/

Jack Donohew, Senior Project Manager
Plant Licensing Branch IV
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-482

Enclosures: 1. Amendment No. 172 to NPF-42
2. Safety Evaluation

cc w/encls: See next page

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WOLF CREEK NUCLEAR OPERATING CORPORATION

WOLF CREEK GENERATING STATION

DOCKET NO. 50-482

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 172
License No. NPF-42

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment to the Wolf Creek Generating Station (the facility) Facility Operating License No. NPF-42 filed by the Wolf Creek Nuclear Operating Corporation (the Corporation), dated February 1, 2006, as supplemented by letter dated May 24, 2006, 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, as amended, 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 license 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. NPF-42 is hereby amended to read as follows:

2. Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 172, and the Environmental Protection Plan contained in Appendix B, both of which are attached hereto, are hereby incorporated in the license. The Corporation shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

3. The license amendment is effective as of its date of issuance and shall be implemented within 90 days of the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

David Terao, Chief
Plant Licensing Branch IV
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment: Changes to the Technical
Specifications

Date of Issuance: November 15, 2006

ATTACHMENT TO LICENSE AMENDMENT NO. 172

FACILITY OPERATING LICENSE NO. NPF-42

DOCKET NO. 50-482

Replace the following page of the Appendix A Technical Specifications with the attached page. The revised page is identified by an amendment number and contains marginal lines indicating the areas of change. The corresponding overleaf page is provided to maintain document completeness.

REMOVE

5.0-10

INSERT

5.0-10

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 172 TO FACILITY OPERATING LICENSE NO. NPF-42
WOLF CREEK NUCLEAR OPERATING CORPORATION
WOLF CREEK GENERATING STATION
DOCKET NO. 50-482

1.0 INTRODUCTION

By application dated February 1, 2006, as supplemented by letter dated May 24, 2006 (Agencywide Documents Access and Management System (ADAMS) Accession Nos. ML060410117 and ML061520402, respectively), the Wolf Creek Nuclear Operating Corporation (the licensee) requested changes to the Technical Specifications (TSs, Appendix A to Facility Operating License No. NPF-42) for the Wolf Creek Generating Station (WCGS). The proposed amendment would revise the Inservice Testing (IST) Program in Section 5.5.8, "Inservice Testing Program," of the Administrative Controls, "Programs and Manuals," section of the TSs to adopt the Commission-approved Technical Specification Task Force (TSTF)-479, Revision 0, "Changes to Reflect Revision of 10 CFR 50.55a."

The amendment would change the reference to the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code in the current TS 5.5.8 to a reference to the ASME Operation and Maintenance (OM) Code.

The supplemental letter dated May 24, 2006, 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 published in the *Federal Register* on February 28, 2006 (71 FR 10079).

The licensee also identified changes to the TS Bases associated with the proposed amendment and stated that these changes would be made in accordance with TS 5.5.14, "Technical Specifications Bases Control Program," at the time that the amendment is implemented, if approved.

2.0 REGULATORY EVALUATION

Section 182a of the Atomic Energy Act requires applicants for nuclear power plant operating licenses to include technical specifications as part of the license. The TSs ensure the operational capability of structures, systems, and components that are required to protect the health and safety of the public. The Nuclear Regulatory Commission's (NRC) regulatory requirements related to the content of the TSs are contained in Section 50.36 of Title 10 of the

Code of Federal Regulations (10 CFR 50.36). That section requires that the TS include items in the following specific categories: (1) safety limits, limiting safety systems settings, and limiting control settings; (2) limiting conditions for operation; (3) surveillance requirements; (4) design features; and (5) administrative controls. In accordance with 10 CFR 50.36(c)(5), administrative controls are the provisions relating to organization and management, procedures, facility recordkeeping, review and audit, and reporting necessary to assure operation of the facility in a safe manner.

The regulations in 10 CFR 50.55a define the requirements for applying industry codes to each licensed nuclear powered facility. Licensees are required by 10 CFR 50.55a(f)(4)(i) to prepare programs to perform inservice testing of certain ASME Code Class 1, 2, and 3 pumps and valves during the initial 120-month interval. The regulations require that programs be developed using the latest edition and addenda incorporated into paragraph (b) of 10 CFR 50.55a on the date 12 months prior to the date of issuance of the operating license subject to the limitations and modification identified in paragraph (b). NRC regulations also require that the inservice testing programs be revised during successive 120-month intervals to comply with the latest edition and addenda of the Code incorporated by reference in paragraph (b) 12 months prior to the start of the interval. NRC amended 10 CFR 50.55a(f)(4)(ii) to require licensees to update their IST programs to the latest edition of the ASME OM Code, which was incorporated by reference into 10 CFR 50.55a(b). The final rule was published in the *Federal Register* on September 22, 1999 (64 FR 51370).

3.0 TECHNICAL EVALUATION

3.1 Description of Proposed TS Changes

In its letters dated February 1 and May 24, 2006, the licensee proposed to revise TS 5.5.8 on the licensee's IST program as follows:

1. TS 5.5.8.a would be revised to indicate that the IST program shall include testing frequencies applicable to the ASME OM Code.
2. The heading of the first column in TS 5.5.8.a would likewise be revised to refer to the ASME OM Code and applicable Addenda terminology for IST activities.
3. The phrase "and other normal and accelerated Frequencies specified as 2 years or less in the Inservice Testing Program" would be added to TS 5.5.8.b to state: The provisions of SR 3.0.2 are applicable to the above required Frequencies "and other normal and accelerated Frequencies specified as 2 years or less in the Inservice Testing Program" for performing IST activities.
4. Replace "ASME Boiler and Pressure Vessel Code" with "ASME OM Code" in TS 5.5.8.d.

In summary, the proposed changes discussed above will (1) replace the references to the ASME Boiler and Pressure Vessel Code in the current TS 5.5.8 with references to the ASME OM Code and (2) clarify that the specified frequency for any SR is met if the surveillance is performed within 1.25 times the surveillance interval specified in the SR. This frequency will apply to "other normal and accelerated Frequencies specified as 2 years or less in the Inservice

Testing Program.” The licensee did not propose changes to the frequencies for the IST activities in TS 5.5.8.

3.2 Background

In its application, the licensee stated that NRC amended 10 CFR 50.55a(f)(4)(ii) to require licensees to update their IST programs to the latest edition of the ASME OM Code, which was incorporated by reference into 10 CFR 50.55a(b). The final rule was published in the *Federal Register* on September 22, 1999 (64 FR 51370). The current TS 5.5.8 on the IST program references Section XI of the ASME Boiler and Pressure Vessel Code as the source of the IST program requirements for ASME Code Class 1, 2, and 3 components whereas by the rule change the reference should be to the ASME OM Code. The licensee stated that the proposed changes are necessary for TS 5.5.8 to be consistent with the IST requirements of 10 CFR 50.55a.

In the Standard Technical Specifications (STS, NUREG-1431, Westinghouse plants) and the WCGS TSs, SR 3.0.2 states that the specified frequency for any SR is met if the surveillance is performed within 1.25 times the surveillance interval specified in the frequency for the SR, as measured from the previous performance or as measured from the time a specified condition of the frequency is met. The current statement in TS 5.5.8 related to SR 3.0.2 is that “The provisions of SR 3.0.2 are applicable to the above required Frequencies [stated in TS 5.5.8] for performing inservice testing activities.” Since the maximum interval specified in TS 5.5.8 is two years, then the 1.25 times the surveillance interval would be limited to an interval of 2 years or less. This two-year interval is not being changed by the proposed amendment.

3.3 Evaluation of Proposed TS Changes

The licensee’s proposed TS revision would adopt the administrative, editorial, and clarifying TS changes contained in TSTF-479, Revision 0, “Changes to Reflect Revision of 10 CFR 50.55a.” TSTF-479 revised the STS by adopting American Society of Mechanical Engineers Code and certain associated frequencies for IST activities consistent with the requirements of 10 CFR 50.55a (i.e., adopting the ASME OM Code). NUREG-1431 is the STS that the WCGS TSs are based on.

TSTF-479 clarified the description of the test intervals for valves with intervals of 2 years or less to include intervals derived from risk-informed evaluations that may not be contained in STS 5.5.8. Since the clarification to STS 5.5.8 did not affect the maximum 2-year valve IST program interval in STS 5.5.8, TSTF-479 does not alter the STS requirements. TSTF-479 updates references to Section XI of the ASME Boiler and Pressure Vessel Code to the ASME OM Code, which is consistent with the requirements of 10 CFR 50.55a. The licensee’s proposed amendment adopts the TSTF-479 changes in TS 5.5.8 with the proposed wording stating that (1) the applicable ASME Code is the ASME OM Code and (2) the valve test interval extension of SR 3.0.2 in the IST program applies only to valves with IST program intervals of 2 years or less and, therefore, the maximum surveillance interval that the 1.25 times the interval in SR 3.0.2 will apply to remains unchanged by this amendment (i.e., a maximum of 2 years).

3.4 Conclusion

Based on its review of the proposed amendment, the NRC staff concludes that the licensee's proposed changes (1) are acceptable since they are administrative, (2) do not alter the TS allowance for extending the testing frequencies up to 1.25 times the frequency, and (3) conform to the requirements of 10 CFR 50.55a. Based on this, the NRC staff also concludes that the proposed changes meet 10 CFR 50.36. Therefore, the NRC staff concludes that the proposed amendment to TS 5.5.8 is acceptable.

The NRC staff reviewed the licensee-identified changes to the TS Bases in Attachment IV to its application. The NRC staff did not have any disagreement with the identified changes. These changes will be made to the TS Bases in accordance with TS 5.5.14 during the implementation of the amendment.

4.0 STATE CONSULTATION

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

5.0 ENVIRONMENTAL CONSIDERATION

The amendment changes a requirement with respect to the 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 (71 FR 10079, published on February 28, 2006). 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.

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

Principal Contributor: Peter Hearn

Date: November 15, 2006

Wolf Creek Generating Station

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February 2006