



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

October 26, 2009

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 – REQUEST FOR APPROVAL OF  
CHANGES TO THE TECHNICAL SPECIFICATION 3.8.1, AC SOURCES –  
OPERATING” BASES (TAC NO. ME2186)

Dear Mr. Muench:

By letter dated September 3, 2009 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML092530248), Wolf Creek Nuclear Operating Corporation (WCNOC, the licensee) submitted a license amendment request (LAR) for Wolf Creek Generating Station (WCGS) pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 50.90. The proposed amendment would revise the Technical Specification (TS) Bases Section B 3.8.1, “AC Sources - Operating,” to provide exceptions for those plant conditions not considered a common cause failure. WCGS LCO 3.8.1, “AC Sources – Operating,” Required Action B.3.1 for one diesel generator (DG) inoperable states, “Determine OPERABLE DG is not inoperable due to common cause failure.” The purpose of this letter is to provide the results of the U.S. Nuclear Regulatory Commission (NRC) staff acceptance review of this LAR.

The acceptance review evaluated the scope and depth of technical information submitted in the LAR to determine if it is sufficient for the NRC staff to complete its review. The acceptance review also evaluated the LAR to identify whether the content has any readily apparent information insufficiencies in its characterization of the requirements or the licensing basis of the plant. 10 CFR 50.90 requires that an application for amendment to the license must fully describe the changes requested, and following as far as applicable, the form prescribed for original applications. Section 50.34 of 10 CFR addresses the contents of operating license applications, including technical information to be included in the application.

The proposed change to the WCGS TS Bases Section 3.8.1, “AC Sources – Operating,” established new requirements that cannot be readily construed to be an allowance permitted by TS required actions. Pursuant to 10 CFR 50.36(a)(1) licensees shall “include in its application proposed TSs in accordance with the requirements of this section. A summary statement of the bases or reasons for such specifications other than those covering administrative controls, shall also be included in the application, but shall not become part of the TSs.” Also, pursuant to 10 CFR 50.36(b), TSs will be derived from the analyses and evaluation included in the safety analysis report submitted pursuant to 10 CFR 50.34. The NRC staff notes that the LAR dated September 3, 2009, submitted only the TS bases changes. It neither included the corresponding TS changes nor provided sufficient information to enable the NRC staff to identify how the proposed amendment was derived from the underlying analyses and evaluations in the

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Updated Safety Analyses Report. Therefore, the NRC staff finds the request for approval of the proposed action is unacceptable for NRC review pursuant to 10 CFR 2.101.

Additionally, other aspects of the amendment request may also be insufficient, but were not reviewed or identified due to the significance of the aforementioned information discrepancy. NRC staff activities on the review have ceased and the associated Technical Assignment Control number has been closed.

Mr. Steve Wideman of the WCNOG was informed of the proposed NRC staff decision on October 21, 2009. If you have any questions, please contact me at 301-415-3016 or via e-mail at [Balwant.Singal@nrc.gov](mailto:Balwant.Singal@nrc.gov).

Sincerely,



Balwant K. Singal, Senior Project Manager  
Plant Licensing Branch IV  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket No. 50-482

cc: Distribution via Listserv

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Sincerely,  
/RA/

Balwant K. Singal, Senior Project Manager  
Plant Licensing Branch IV  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket No. 50-482

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\*concurrence via e-mail

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