

WOLF CREEK NUCLEAR OPERATING CORPORATION

Rick L. Gardner
Plant Manager

May 3, 2010

WO 10-0032

U. S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555

- Reference: 1) Letter WM 09-0065, dated December 9, 2009, from R. A. Muench, WCNOG, to USNRC
- 2) Letter WO 10-0004, dated January 11, 2010, from M. W. Sunseri, WCNOG, to USNRC
- 3) Letter dated March 4, 2010, from D. D. Chamberlain, USNRC, to M. W. Sunseri, WCNOG
- Subject: Docket No. 50-482: Cancellation of Licensee Event Report 2009-007-00, "Removal of Equipment From Service Required by Technical Specifications and NRC Safety Evaluation"

Gentlemen:

The purpose of this letter is to notify the Nuclear Regulatory Commission (NRC) of the cancellation of Wolf Creek Generating Station (WCGS) Licensee Event Report (LER) 2009-007-00, "Removal of Equipment From Service Required by Technical Specifications and NRC Safety Evaluation," (Reference 2) consistent with the guidance in NUREG-1022, Rev. 2, "Event Report Guidelines 10 CFR 50.72 and 50.73."

NRC Integrated Inspection Report 2009004 identified a green noncited violation of TS 3.8.1, Required Action B.4.2.2, for removing equipment from service that was required by TS 3.8.1 and the NRC safety evaluation for License Amendment No. 163. Reference 1 provided Wolf Creek Nuclear Operating Corporation's (WCNOG) denial of noncited violation 2009-004-06, "Performing Prohibited Elective Maintenance on Safety Bus NB02 Channel 4 during Emergency Diesel Generator Maintenance."

Reference 3 provided the NRC response to Reference 1. Reference 3 indicated that the staff, in consultation with NRC's Office of Nuclear Reactor Regulation and Office of Enforcement, had reviewed these reasons and the supporting information. The staff concluded that WCNOG was correct in that the Technical Specification Required Action statement does not require that the limitations articulated in the NRC Safety Evaluation for License Amendment No. 163 are met. The staff determined that the performance deficiency associated with the original noncited violation is more appropriately characterized as a noncited violation of 10 CFR 50.65(a)(4) involving the failure to adequately assess and manage the risk associated with maintenance activities.

Therefore, based on the determination that a condition prohibited by Technical Specifications did not occur as described in Reference 2, WCNOG is cancelling WCGS LER 2009-007-00.

This letter contains no commitments. If you have any questions concerning this matter, please contact me at (620) 364-4156, or Mr. Richard D. Flannigan at (620) 364-4117.

Sincerely,



Rick L. Gardner

RLG/rit

cc: E. E. Collins (NRC)
G. B. Miller (NRC)
B. K. Singal (NRC)
Senior Resident Inspector (NRC)