

WOLF CREEK

NUCLEAR OPERATING CORPORATION

Neil S. "Buzz" Carna
President and
Chief Executive Officer

March 8, 1994

WM 94-0035

U. S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Mail Station P1-137
Washington, D. C. 20555

Reference: Letter NA 93-0236, dated December 15, 1993, from
R. C. Hagan, WCNOG to U.S. Nuclear Regulatory
Commission
Subject: Docket No. 50-482: Request for Scheduler Exemption
for the Annual Radiological Emergency Response Plan
Exercise

Gentlemen:

Pursuant to 10 CFR Part 50.12, Wolf Creek Nuclear Operating Corporation (WCNOG) requests a one-time exemption from the requirement, specified in 10 CFR Part 50, Appendix E, Section IV.F.2., for each licensee at each site to annually exercise its emergency plan. Specifically, we request a one-time exemption from the requirement to conduct the 1994 Wolf Creek Generating Station Annual Radiological Emergency Response Plan Exercise presently scheduled for June 29, 1994. WCNOG proposes to reschedule the exercise to the week of February 20, 1995.

The exemption is being requested to allow for the approval and implementation of revised Emergency Action Levels (EALs) submitted by the reference.

By rescheduling the annual exercise from June 29, 1994, to the first quarter of the next year, the provisions of 10 CFR 50, Appendix E, Section IV.F.2., cannot be met. The attached information is in support of a request for a scheduler exemption for the 1994 annual exercise in accordance with the provisions of 10 CFR 50.12.

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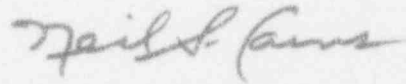
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If you have any questions concerning this matter, please contact me at (316) 364-8831, extension 4000, or Mr. Kevin J. Moles at extension 4565.

Very truly yours,



Neil S. Carns

NSC/jra

Attachment

cc: L. J. Callan (NRC), w/a
W. L. Holley (NRC), w/a
G. A. Pick (NRC), w/a
W. D. Reckley (NRC), w/a
L. A. Yandell (NRC), w/a

EXEMPTION REQUEST

Proposed Exemption

Wolf Creek Nuclear Operating Corporation (WCNOC) hereby submits a request for a schedular exemption to 10 CFR 50, Appendix E, IV.F.2., in accordance with the provisions of 10 CFR 50.12. The scheduled date for the 1994 Wolf Creek Generating Station (WCGS) Annual Radiological Emergency Response Plan Exercise is June 29, 1994. Full participation with the State of Kansas and affected counties was not required during this exercise. WCNOC requests to reschedule the 1994 exercise to the week of February 20, 1995 to allow for the approval and implementation of revised Emergency Action Levels (EALs) submitted to the NRC on December 15, 1993 (Letter NA 93-0236, from R. C. Hagan, WCNOC to the USNRC). The schedule is being extended to the week of February 20, 1995 so as not to conflict with the seventh refueling outage scheduled to begin in September of 1994.

No Undue Risk

In accordance with 10 CFR 50.12(a)(1), WCNOC demonstrates herein that the requested schedular exemption is authorized by law, will not present an undue risk to the public health and safety and is consistent with the common defense and security. The proposed implementation schedule for the 1994 exercise of the Radiological Emergency Response Plan does not represent a degradation in the ability of WCNOC to provide protective actions for the public in the event of an emergency at WCGS.

SPECIAL JUSTIFYING CIRCUMSTANCES

The special circumstances that justify the Commission's approval of the schedular exemption request are consistent with the following requirement of 10 CFR 50.12:

10 CFR 50.12.(a)(2)(iv):

The exemption would result in benefit to the public health and safety that compensates for any decrease in safety that may result from the grant of the exemption.

WCNOC believes that there is no decrease in safety resulting from granting of the requested exemption. The proposed implementation schedule for the 1994 WCGS Annual Radiological Emergency Response Plan Exercise would allow management to focus on thorough implementation of and training on the revised EALs. It would also allow management to focus on completing the seventh refueling outage scheduled to begin September of 1994 in a safe and efficient manner.

10 CFR 50.12(a)(2)(v):

The exemption would provide only temporary relief from the applicable regulation and the licensee has made good faith efforts to comply with the regulation.

The proposed implementation schedule for the 1994 exercise provides only temporary relief from the requirements of 10 CFR 50, Appendix E. The intent of the regulation would still be met. WCNOG successfully completed the 1993 exercise in December 1993, and had scheduled and planned the 1994 exercise for June 29, 1994. Along with the rescheduled exercise, WCNOG proposes to also conduct later in 1995, the annual exercise for 1995. Because of this schedule, the request for exemption represents only temporary relief since two NRC evaluated onsite exercises will be conducted in 1995.

EVALUATION

The proposed schedular exemption originated from the need to focus on the approval and implementation of revised EALs as well as the need not to conflict with the scheduled seventh refueling outage. WCNOG submitted revised EALs which implement the NUMARC Guidance on EALs as endorsed by Regulatory Guide 1.101, "Emergency Planning and Preparedness for Nuclear Power Reactors," revision 3. These issues require dedicated resources and it was deemed appropriate that management focus on these issues. It is proposed to reschedule the exercise until the week of February 20, 1995. The proposed exercise schedule does not meet the literal requirement of 10 CFR 50, Appendix E, Section IV.F.2., which states, "Each licensee at each site shall annually exercise its emergency plan." Since, in this case, annually has been defined as within the calendar year, the rescheduled 1994 exercise on the week of February 20, 1995 does not comply with the regulation. Therefore, a schedular exemption is requested.

The requested rescheduled exercise date would not result in a degradation in the response to, or implementation of, any onsite emergency actions or offsite protective measures for the public. WCNOG successfully conducted an annual exercise in December of 1993. Rescheduling the 1994 exercise to the week of February 20, 1995 would, in effect, only be fourteen months between NRC evaluated exercises. As discussed in the WCNOG response to Weakness 482/9320-06 (Letter WM 94-0007 from N. S. Carns, WCNOG to the USNRC), WCNOG will implement a drill program that will provide each emergency response team an opportunity to participate in a drill every year. The emergency response team members will participate in an Emergency Plan Drill in the first half of 1994. These activities provide assurance that the resources and training necessary for proper emergency response are in place, and that the personnel are knowledgeable and the equipment in good operating condition to respond to an emergency at WCGS.

CONCLUSION

The granting of this schedular exemption is necessary to assure the revised EALs are properly implemented through training and practice. The requested rescheduling of the 1994 exercise will not result in the degradation of emergency preparedness capabilities for WCNOG or state and local agencies. The rescheduling of the 1994 exercise has been discussed with the NRC Region IV and other organizations as appropriate. WCNOG has demonstrated good faith efforts in complying with the regulation in that the original exercise date has been established as submitted on December 21, 1993 (Letter NA 93-0237, from R. C. Hagan, WCNOG to the USNRC). Therefore, the proposed schedular exemption is warranted under the provisions of 10 CFR 50.12 and does not present an undue risk to the public health and safety.