

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
WOLF CREEK NUCLEAR OPERATING CORPORATION	)	Docket No. 50-482
	)	
(Wolf Creek Generating Station, Unit 1)	)	
	)	

EXEMPTION

I.

On June 4, 1985, the Commission issued Facility Operating License No. NPF-42 to Wolf Creek Nuclear Operating Corporation (the licensee) for Wolf Creek Generating Station, Unit 1. The license provides, among other things, that it is subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (the Commission) now and hereafter in effect.

II.

Section 50.54(q) of 10 CFR Part 50 requires a licensee authorized to operate a nuclear power plant to follow and maintain in effect emergency plans which meet the standards of 10 CFR 50.47(b) and the requirements of Appendix E to 10 CFR Part 50. The subject exemption is from the requirement of Section IV.F.2 of Appendix E to 10 CFR Part 50 which requires each licensee at each site to annually exercise its emergency plan.

The NRC may grant exemptions from the requirements of the regulations, pursuant to 10 CFR 50.12, that (1) are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security; and (2) present special circumstances. Section 50.12(a)(2) of 10 CFR Part 50 describes special circumstances as

including cases that provide only temporary relief from the applicable regulation when the licensee has made good faith efforts to comply with the regulation.

### III.

By letter dated March 8, 1994, the licensee requested a one-time exemption from the requirements to conduct an annual exercise of the Wolf Creek emergency plan pursuant to Section IV.F.2 of Appendix E to 10 CFR Part 50. The licensee had planned to conduct the 1994 annual radiological emergency response plan exercise on June 29, 1994. Full participation with the State of Kansas and affected counties was not required during the 1994 exercise. The previous emergency preparedness exercise for Wolf Creek Generating Station was conducted in December 1993. The licensee requested an exemption in order to allow for the approval and implementation of revised emergency classification criteria and to avoid conflict with the seventh refueling outage, currently scheduled to begin in September 1994. The proposed exemption would not affect the requirement to conduct the normally scheduled 1995 annual exercise.

The proposed exemption provides only temporary relief to delay the annual exercise in order to afford the licensee an opportunity to implement revised emergency classification procedures and avoid conflict with a scheduled refueling outage. The exercise has been tentatively rescheduled for February 1995 which would result in an approximate fourteen month interval between the 1993 and rescheduled 1994 exercises.

Section 50.47(a)(4) of 10 CFR Part 50 and Section IV.B of Appendix E to 10 CFR Part 50 require an emergency classification and action level scheme for

use by licensees and government response organizations. Regulatory Guide 1.101, "Emergency Planning and Preparedness for Nuclear Power Reactors," Revision 3, August 1992, accepted guidance contained in NUMARC/NESP-007 (Revision 2, January 1992), "Methodology for Development of Emergency Action Levels" as an alternative to NUREG-0654/FEP-REP-1, "Criteria for Preparation and Evaluation of Radiological Response Plans and Preparedness in Support of Nuclear Power Plants" for the preparation of emergency action levels. By letter dated December 15, 1993, the licensee requested NRC review and approval of revised emergency action levels developed using the guidance of NUMARC/NESP-007. The proposed exemption was requested, in part, to accommodate the transition to the revised emergency action levels. The transition period includes time for NRC review and training of licensee personnel on the revised emergency action levels. Conducting an emergency exercise prior to the implementation of the revised emergency action levels would significantly reduce potential benefits since important emergency classification procedures would be superseded shortly after the exercise.

Scheduling the exercise for the latter portions of 1994, following implementation of the revised emergency actions levels, results in a conflict with the planning and execution of the seventh refueling outage, currently scheduled to begin in September 1994. Both activities, the exercise and refueling outage, are resource intensive and require focused management attention. Therefore, it is undesirable to schedule them for the same time period.

The proposed exemption would result in an interval between exercises of approximately fourteen months. Although slightly longer than the twelve month period specified by the regulations, the proposed interval adequately

addresses the underlying purpose of the rule regarding periodic exercises. In addition to the December 1993 exercise, the licensee conducts smaller scale emergency plan drills and has stated that emergency response team members will participate in such a drill during the first half of 1994. These activities ensure that licensee personnel and equipment remain capable of responding during an emergency.

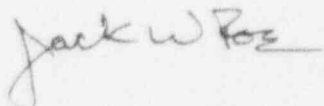
On this basis, the NRC staff finds that the licensee has demonstrated that special circumstances are present as required by 10 CFR 50.12(a)(2). Further the staff also finds that a delay in the 1994 exercise until early in 1995 will not present an undue risk to the public health and safety.

#### IV.

Accordingly, the Commission has determined pursuant to 10 CFR 50.12, this exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. Therefore, the Commission hereby grants Wolf Creek Nuclear Operating Corporation an exemption from the requirements of 10 CFR 50, Appendix E, Paragraph IV.F.2.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact on the environment (59 FR 27076).

FOR THE NUCLEAR REGULATORY COMMISSION



Jack W. Roe, Director  
Division of Reactor Projects III/IV  
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland  
this 23rd day of June 1994

