



Michael T. Boyce
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October 19, 2023
000169

U. S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-0001

- Reference:
- 1) Letter ET 22-0010, dated August 2, 2022, from M. T. Boyce, WCNOG, to USNRC, "License Amendment Request (LAR) for Deviation from Fire Protection Program Requirements" (ML22215A000)
 - 2) Letter ET 23-0004, dated January 26, 2023, from M. T. Boyce, WCNOG, to USNRC, "Response to Requests for Additional Information (RAI) Regarding License Amendment Request (LAR) for Deviation from Fire Protection Program Requirements" (ML23026A359)
 - 3) Letter 000048 / ET 23-000048, dated August 8, 2023, from M. T. Boyce, WCNOG, to USNRC, "Supplement to License Amendment Request (LAR) for Deviation from Fire Protection Program Requirements" (ML23220A422)
 - 4) Letter from USNRC, dated August 31, 2023, from S. S. Lee, USNRC, to C. Reasoner, WCNOG, "Wolf Creek Generating Station, Unit 1 – Issuance of Amendment No. 237 Re: Request for Deviation from Fire Protection Program Requirements (EPID: L-2022-LLA-0107)" (ML23165A250)
 - 5) Letter 000163 / ET 23-000163, dated October 19, 2023, from M. T. Boyce, WCNOG, to USNRC, "Wolf Creek Nuclear Operating Corporation Request for Correction in Response to License Amendment No. 237 and Corresponding Safety Evaluation" (ML23292A357)

Subject: Docket No. 50-482: License Amendment Request to Modify the 90-Day Implementation of License Amendment No. 237

Commissioners and Staff:

On August 2, 2022, Wolf Creek Nuclear Operating Corporation (WCNOG) requested an amendment to the Renewed Facility Operating License No. NPF-42 for Wolf Creek Generating Station (WCGS). The proposed changes illustrated in Reference 1 would revise the Fire Protection Program to allow for the use of portable lighting as the primary emergency lighting means (with limited exceptions) for illuminating safe shutdown equipment and access egress routes to the equipment. The Nuclear Regulatory Commission (NRC) requested additional information to support the review of the amendment with the necessary information provided by WCNOG (Reference 2). The NRC subsequently requested an additional supplement to clarify information present, which WCNOG provided in Reference 3.

In Reference 4, the NRC approved Amendment No. 237 to Renewed Facility Operating License No. NPF-42, for WCGS Unit 1. The amendment, as approved in Reference 4, contains information that is inconsistent with the original request presented in Reference 1, as supplemented. Until these inconsistencies are resolved WCNOG cannot implement the amendment as approved and, in accordance with 10 CFR 50.90, requests that the implementation date of 90-days after approval be modified to 90 days after the NRC corrects the associated safety evaluation (see Reference 5).

The license amendment request (LAR), as proposed in Reference 1 and supplemented in Reference 2 and 3, is an enhancement to the existing Fire Protection Program. The LAR enables WCGS to increase efficiency and management of resources while improving the response capabilities to postulated events. With the requested implementation pause of Amendment No. 237, the existing Fire Protection Program will continue to be utilized as it is fully compliant with applicable rules and regulations as approved for use at WCGS. Therefore, modifying the implementation date for Amendment No. 237 will have no impact on WCGS's ability to protect the health and safety of the public and remain compliant with the associated regulations.

WCNOG requests approval of this proposed amendment by November 24, 2023. The time frame is necessary due to the currently required 90-day implementation timeframe for Amendment No. 237 that ends November 29, 2023.

The amendment application was reviewed by the WCNOG Plant Safety Review Committee. The proposed amendment contained in this submittal does not involve a significant hazards consideration set forth in 10 CFR 50.92(c). In accordance with 10 CFR 50.91, "*Notice for public comment; State consultation,*" a copy of this letter is being provided to the designated Kansas State official.

This letter contains no commitments. If you have any questions concerning this matter, please contact me at (620) 364-8831 x8687, or Dustin Hamman at (620) 364-4204.

Sincerely,



Michael T. Boyce

MTB/nwl

Attachment I – Evaluation of Proposed Change

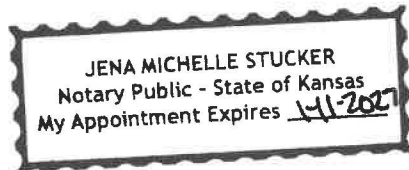
cc: S. S. Lee (NRC), w/a
J. D. Monninger (NRC), w/a
G. E. Werner (NRC), w/a
Senior Resident Inspector (NRC), w/a
J. Meinholdt (KDHE), w/a
Licensing Correspondence - ET 23-000169, w/a

STATE OF KANSAS)
) SS
COUNTY OF COFFEY)

Michael T. Boyce, of lawful age, being first duly sworn upon oath says that he is Vice President Engineering of Wolf Creek Nuclear Operating Corporation; that he has read the foregoing document and knows the contents thereof; that he has executed the same for and on behalf of said Corporation with full power and authority to do so; and that the facts therein stated are true and correct to the best of his knowledge, information and belief.

By *Michael T. Boyce*
Michael T. Boyce
Vice President Engineering

SUBSCRIBED and sworn to before me this 19 day of October, 2023.



Jena Michelle Stucker
Notary Public
Expiration Date 1-11-2027

EVALUATION OF PROPOSED CHANGE

Subject: License Amendment Request to Modify the 90-day Implementation of License Amendment No. 237

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2.0 DETAILED DESCRIPTION

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1.0 SUMMARY DESCRIPTION

The NRC approved License Amendment Number (No.) 237 to Renewed Facility Operating License No. NPF-42 for Wolf Creek Generating Station (WCGS), Unit 1, on August 31, 2023 (Reference 6.1). The amendment approved modifications to License Condition 2.C(5) and approved changes to USAR Appendix 9.5E, "10 CFR Part 50 Appendix R Comparison," to allow the use of portable lighting as the primary emergency lighting means (with limited exceptions) for illuminating safe shutdown equipment and access egress routes to the equipment. In accordance with the approval of License Amendment No. 237, the approved changes are required to be implemented no later than 90-days from the Issuance of License Amendment No. 237 (November 29, 2023).

Wolf Creek Nuclear Operating Corporation (WCNOC) is requesting that the implementation date of 90-days after issuance of License Amendment No. 237 be modified to 90 days after the NRC corrects the associated Safety Evaluation (SE). The requested amendment for the implementation date is necessary due to the impact of the inconsistencies that are present in the current SE, in addition to other concerns detailed in Section 2.3 of this Attachment. The proposed amendment does not involve a significant hazards consideration under the standards set forth in 10 CFR 50.92(c).

2.0 DETAILED DESCRIPTION

2.1 Background

WCNOC had planned to implement License Amendment No. 237 within the 90-day implementation period in accordance with the NRC approved timeline. However, WCNOC identified a number of inconsistencies in the NRC-provided SE when compared to the original request described in Reference 6.2 during its technical review of the SE following receipt from the NRC on August 31, 2023. WCNOC submitted Reference 6.3 (October 19, 2023) which outlined the inconsistencies between the original request and the information present in the SE in Reference 6.1 and requested that the SE be corrected consistent with NRR Office Instruction LIC-101, "License Amendment Review Process."

2.2 Current Requirement

License Amendment No. 237 was effective the date of issuance (August 31, 2023) and required implementation within 90 days of the date of issuance. The implementation period of 90-days from the date of issuance would require implementation of License Amendment No. 237 by November 29, 2023.

2.3 Reason for the Proposed Change

The inconsistencies in the SE for License Amendment No. 237 when compared to the associated LAR provides the basis for why WCNOC requests that the 90-day implementation period be modified. Although the SE is not a part of the licensing basis, it is relied upon by the NRC when confirming compliance with changes approved by the NRC, as well as confirming compliance with applicable regulations. The effect of an SE that is not consistent with a LAR is that it can establish new interpretations of the facility licensing basis. The NRC-issued SE introduces Staff conclusions that arguably support an unrequested change to the facility licensing basis.

Additionally, the issued SE did not discuss the use of portable lighting as a primary emergency lighting means, which is the core of the LAR. Instead, it discussed the use of portable lighting in specific fire areas affected by a fire event. Also, because the SE discussion is much more limiting than what was requested by WCNOG, the SE also appears to be inconsistent with WCNOG's No Significant Hazards Consideration (NSHC) that was published in the Federal Register pursuant to 10 CFR 50.90. The NSHC appears to be inconsistent with the SE as currently written because the SE includes additional information that was not a part of the proposed changes and therefore, was not part of WCNOG's NSHC review.

Therefore, implementing the approved License Amendment No. 237 as is creates the potential for improper interpretation of the WCGS licensing basis. Additionally, information that is present in the SE is not consistent with the information originally provided in Reference 6.2, as supplemented, and as evaluated. It is critical that the information present in the SE be corrected prior to implementation so that there is no uncertainty in the licensing basis of WCGS, and that the information aligns with what was requested in the proposed change.

2.4 Description of the Proposed Change

Based on the information provided in Section 2.3, WCNOG is requesting that the implementation date of 90-days after issuance of License Amendment No. 237 be modified to 90 days after the NRC corrects the associated SE.

3.0 TECHNICAL EVALUATION

WCNOG cannot implement the approved License Amendment No. 237 due to the inconsistencies identified in the SE. Even though License Condition 2.C(5) and the USAR changes were approved as requested, the lack of a consistent and accurate SE to support the changes originally proposed in Reference 6.2 prevents WCNOG from implementing associated changes until it is sure that WCNOG and the NRC have a consistent understanding of what License Amendment No. 237 approves and on what basis.

Details on the inconsistencies and recommended markups to address them were provided in a separate correspondence to the NRC (Reference 6.3). The correspondence requests that the SE, and associated transmittal letter, be corrected in accordance with LIC-101. Until the inconsistencies are addressed in Reference 6.3, WCNOG cannot implement License Amendment No. 237 as approved, as there is not a consistent SE to support the implementation.

In the interim, WCNOG will continue to utilize the existing Fire Protection Program until resolution of the inconsistencies in the License Amendment No. 237 SE as the current program is fully compliant with applicable rules and regulations as approved for use by the NRC. Until resolution of the issues identified, WCNOG will not take any action for implementation of License Amendment No. 237.

4.0 REGULATORY EVALUATION

4.1 Applicable Regulatory Requirements/Criteria

The request to modify the 90-day implementation period associated with License Amendment No. 237 to 90 days after the NRC corrects the associated Safety Evaluation (SE) does not affect the requirements of the current Fire Protection Program as reviewed and approved by the NRC. Placing the implementation period on hold until resolution of the issues identified in the SE will

not challenge regulatory compliance. The current Fire Protection Program will continue to satisfy the following regulations:

10 CFR 50, Section 48, Fire protection, which states in paragraph (a) that “Each holder of an operating license issued under this part or a combined license issued under part 52 of this chapter must have a fire protection plan that satisfies Criterion 3 of appendix A to this part.” Paragraph (b) states, “Appendix R to this part establishes fire protection features required to satisfy Criterion 3 of appendix A to this part with respect to certain generic issues for nuclear power plants licensed to operate before January 1, 1979.”

10 CFR 50, Appendix A, *Criterion 3- Fire protection*. Structures, systems, and components important to safety shall be designed and located to minimize, consistent with other safety requirements, the probability and effect of fires and explosions. Noncombustible and heat resistant materials shall be used wherever practical throughout the unit, particularly in locations such as the containment and control room. Fire detection and fighting systems of appropriate capacity and capability shall be provided and designed to minimize the adverse effects of fires on structures, systems, and components important to safety. Firefighting systems shall be designed to assure that their rupture or inadvertent operation does not significantly impair the safety capability of these structures, systems, and components.

10 CFR 50, Appendix R, “Fire Protection Program for Nuclear Power Facilities Operating Prior to January 1, 1979,” Section III.J, *Emergency lighting*. “Emergency lighting units with at least an 8-hour battery power supply shall be provided in all areas needed for operation of safe shutdown equipment and in access and egress routes thereto.”

Since WCGS was licensed after January 1, 1979, WCGS is not obligated to meet the requirements of Section III.J. However, USAR Appendix 9.5E provides a comparison of the WCGS design to Appendix R.

4.2 No Significant Hazards Consideration

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No

The proposed modification to the 90-day implementation date for License Amendment Number 237 does not involve a significant increase in the probability or consequences of an accident previously evaluated. The existing Fire Protection Program will remain in effect during the modified implementation period.

The current Fire Protection Program and associated post-fire operator manual actions for a fire outside the control room will continue to remain feasible and reliable, demonstrating that the plant can be safely shutdown in the event of a fire. The use of the existing Fire Protection Program will not adversely affect the performance of operator manual actions in support of applicable procedures.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No

The proposed modification to the 90-day implementation date for License Amendment Number 237 does not create the possibility of a new or different kind of accident from any accident previously evaluated. The existing Fire Protection Program will remain in effect during the modified implementation period. Considering the current Fire Protection Program remains in place, no physical alteration of the plant will occur and does not result in the installation of any new or different kind of equipment.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No

The proposed modification to the 90-day implementation date for License Amendment Number 237 is not a reduction in margin of safety. The existing Fire Protection Program will remain in effect during the modified implementation period and has an acceptable margin of safety and has been approved by the NRC.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

4.3 Conclusions

In conclusion, based on the considerations above, (i) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (ii) such activities will be conducted in compliance with the Commission's regulations, and (iii) the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

5.0 ENVIRONMENTAL CONSIDERATION

The proposed change would change a requirement with respect to the implementation date for License Amendment Number 237 for Wolf Creek Generating Station, Unit 1. However, the proposed amendment does not involve (i) a significant hazards consideration, (ii) a significant change in the types or a significant increase in the amounts of any effluents that may be released offsite, or (iii) a significant increase in individual or cumulative occupational radiation exposure. Accordingly, the proposed amendment meets the eligibility criterion for categorical exclusion set forth in paragraph (c)(9) of 10 CFR 51.22, "Criterion of categorical exclusion, identification of licensing and regulatory actions eligible for categorical exclusion or otherwise not requiring an environmental review." Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the proposed amendment.

6.0 REFERENCES

- 6.1 Letter from USNRC, dated August 31, 2023, from S. S. Lee, USNRC, to C. Reasoner, WCNOC, "Wolf Creek Generating Station, Unit 1 – Issuance of Amendment No. 237 Re: Request for Deviation from Fire Protection Program Requirements (EPID: L-2022-LLA-0107)" (ML23165A250)
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