

May 29, 2001

Mr. Mark E. Reddemann
Vice President, Nuclear Management Corporation
Point Beach Nuclear Plant
6610 Nuclear Road
Two Rivers, WI 54241-9516

SUBJECT: ISSUANCE OF A SCHEDULER EXEMPTION FROM 10 CFR 72.48

Dear Mr. Reddemann:

This is in response to your March 20, 2001, letter, as supplemented April 6, 2001, requesting a scheduler exemption to the effective date of 10 CFR 72.48, pursuant to 10 CFR 72.7. In your letter, you requested an exemption from the implementation date of the revised conditions of 10 CFR 72.48. This exemption would allow Nuclear Management Corporation (NMC) to implement the amended 10 CFR 72.48 simultaneously with the revised 10 CFR 50.59 requirements on September 7, 2001. The revised 10 CFR 72.48 was effective on April 5, 2001. Therefore this scheduler exemption to 10 CFR 72.48 is effective immediately.

We understand that NMC has delayed the implementation of the revised rules, 10 CFR 50.59 and 10 CFR 72.48, to reduce the demands on its staff and to schedule training after the refueling outages for Unit 2. Regulatory Issue Summary 2001-03 (RIS 2001-03) stipulates that licensees requesting a scheduler exemption to the effective date of the revised 10 CFR 72.48 would be considered on a case by case basis for power reactor licensees that want to implement the revised 10 CFR 50.59 and 10 CFR 72.48 together.

The revised requirements in 10 CFR 72.48 are considered a relaxation of the previous 10 CFR 72.48 rule, with the exception of additional reporting requirements. Continued implementation of the previous 10 CFR 72.48 rule until September 7, 2001, is considered acceptable to the NRC as stated in RIS 2001-03 which states that both the current and revised rule provide an acceptable level of safety.

NRC staff evaluated the public health and safety and environmental impacts of the proposed exemption and determined that granting the exemption would not result in any significant impacts. For this action, an Environmental Assessment and Finding of No Significant Impact have been prepared and published in the Federal Register (66 FR 23052, dated May 7, 2001). A copy of the Federal Register Notice was provided to you by letter dated April 25, 2001. Based on the foregoing considerations, the staff has determined that granting the proposed exemption from the effective date of 10 CFR 72.48 is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Specifically, this exemption allows NMC to implement the new 10 CFR 72.48 requirements on September 7, 2001.

NMC is hereby granted this exemption subject to the following conditions:

- (1) In accordance with 10 CFR 72.48 (d)(6)(i), NMC must provide copies of records documenting any changes to its spent fuel storage cask design implemented after April 5, 2001, to the applicable certificate holder within 60 days of implementing the change.
- (2) NMC must inform NRC within 30 days if the above condition cannot be met

If you have any questions, please contact Stephen O'Connor of my staff at (301) 415-8561. Any future correspondence related to this action should reference Docket 72-5 and TAC No. L23292.

Sincerely,

/RA/

E. William Brach, Director
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

Docket No.: 72-5

cc: Service List

May 29, 2001

-2-

M. Reddemann

NMC is hereby granted this exemption subject to the following conditions:

- (1) In accordance with 10 CFR 72.48 (d)(6)(i), NMC must provide copies of records documenting any changes to its spent fuel storage cask design implemented between April 5 and September 7, 2001, to the applicable certificate holder within 60 days of September 7, 2001.
- (2) NMC must inform NRC within 30 days if the above condition cannot be met

If you have any questions, please contact Stephen O'Connor of my staff at (301) 415-8561. Any future correspondence related to this action should reference Docket 72-5 and TAC No. L23292.

Sincerely,

(Original Signed by:)

E. William Brach, Director
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

Docket No.: 72-5

cc: Service List

DISTRIBUTION: (Closes TAC No. L23292)

Dockets NRC File Center PUBLIC SFPO r/f NMSS r/f ANorris
LOlshan, NRR BGloersen, RII EMcApline, RII WHodges NJensen, OGC
C:\72-5 Exemption letter.wpd

***see previous concurrence**

ADAMS: ML011520274

OFC:	SFPO*	C	SFPO*	C	SFPO		OGC		SFPO		SFPO	
NAME:	JUmana		SO' Connor		EZiegler		STreby		NOsgood		CLMiller	
DATE:	5/8/2001		5/8/2001		5/9/2001		5/15/2001		5/17/2001		5/25/2001	
OFC:	SFPO											
NAME:	EWBrach											
DATE:	5/29/2001											

C = COVER

E = COVER & ENCLOSURE

N = NO COPY

OFFICIAL RECORD COPY

Point Beach Nuclear Plant, Units 1 and 2

cc:

Mr. John H. O'Neill, Jr.
Shaw, Pittman, Potts & Trowbridge
2300 N Street, NW
Washington, DC 20037-1128

Mr. Richard R. Grigg
President and Chief Operating Officer
Wisconsin Electric Power Company
231 West Michigan Street
Milwaukee, WI 53201

Site Licensing Manager
Point Beach Nuclear Plant
Nuclear Management Company, LLC
6610 Nuclear Road
Two Rivers, WI 54241

Mr. Ken Duveneck
Town Chairman
Town of Two Creeks
13017 State Highway 42
Mishicot, WI 54228

Chairman
Public Service Commission
of Wisconsin
P.O. Box 7854
Madison, WI 53707-7854

Regional Administrator, Region III
U.S. Nuclear Regulatory Commission
801 Warrenville Road
Lisle, IL 60532-4351

Resident Inspector's Office
U.S. Nuclear Regulatory Commission
6612 Nuclear Road
Two Rivers, WI 54241

Ms. Sarah Jenkins
Electric Division
Public Service Commission of Wisconsin
P.O. Box 7854
Madison, WI 53707-7854

Michael D. Wadley
Chief Nuclear Officer
Nuclear Management Company, LLC
700 First Street
Hudson, WI 54016

Nuclear Asset Manager
Wisconsin Electric Power Company
231 West Michigan Street
Milwaukee, WI 53201