

UNITED STATES OF AMERICA  
BEFORE THE NUCLEAR REGULATORY COMMISSION

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Wisconsin Electric Power Company  
POINT BEACH NUCLEAR PLANT UNITS 1 & 2  
DOCKET NOS. 50-266 AND 50-301  
Operating License Amendment  
(Steam Generator Tube Slewing Program)

DECADE'S EXCEPTIONS TO THE BOARD'S INITIAL DECISION

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Pursuant to 10 C.F.R. §2.762, Wisconsin's Environmental Decade, Inc. ("Decade"), hereby takes an appeal from the Initial Decision of the Atomic Safety and Licensing Board ("Board"), dated February 4, 1983, in the above-captioned matter, and from the interlocutory orders which are enumerated herein.

The errors of fact and law, and the related portions of the decision and interlocutory orders to which exceptions are taken, are as follows:

A. March 19, 1982 Memorandum and Order

1. New Issues. The Board unlawfully restricted the Decade's right to raise new issues after previously assuring the intervenor that such restrictions would not be imposed. Order at pp. 1 to 5.

B. April 22, 1982 Memorandum and Order

1. Thermal Shock. The Board improperly excluded the interrelated effects of pressurized thermal shock to steam generator tube failures from discovery and the proceeding. See Order, at pp. 1 to 7.

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C. October 1, 1982 Memorandum and Order

1. Excluded Contentions on Relevancy Grounds. The Board unlawfully excluded on grounds of relevancy contentions relating to the effect of steam generator tube failures during accident and normal operating conditions, leaking plugs during accident conditions and reactor vessel embrittlement. See Order at pp. 7 to 8.

2. Excluded Contentions on Grounds of No Genuine Issue. The Board unlawfully excluded contentions relating to the corrosive environment in the annulus, quality assurance, under and over expanded sleeves, loose parts, and expansion joints in corroded areas. See Order, at pp. 15 to 17.

D. February 4, 1983 Initial Decision

1. Degree of Assurance. The Board unlawfully and incorrectly rejected the Decade's claim that it was necessary as a matter of fact and law to first determine the degree of assurance to anticipate steam generator tube failures that is required in order to protect the public health and safety before it proceeded to determine whether the level of assurance shown was adequate. See Decision, at p. 5 n. 8.

2. Reliability of Eddy Current Testing. The Board incorrectly found as a matter of fact that the detection capability of eddy current tests ("ECT") was sufficient to insure that large tube ruptures from stress corrosion cracking is not likely. The Board did not make a finding as to the sufficiency of ruptures unrelated to stress corrosion cracking or to the safety significance of multiple tube ruptures that are not

individually "large" (assuming that the Board intends to use the undefined and qualitative word "large" as the threshold for primary-to-secondary or secondary-to-primary leakage in excess of technical specifications). See Decision, at pp. 13 to 17.

3. Sleeved Tubes. The Board incorrectly found as a matter of fact that sleeved tubes decrease the chance of leakage and increases detectability of defects in the sleeve. The Board did not make any finding as to the effect of the sleeve on the detectability of defects above the upper joint of the sleeve. See Decision, at pp. 18 to 23.

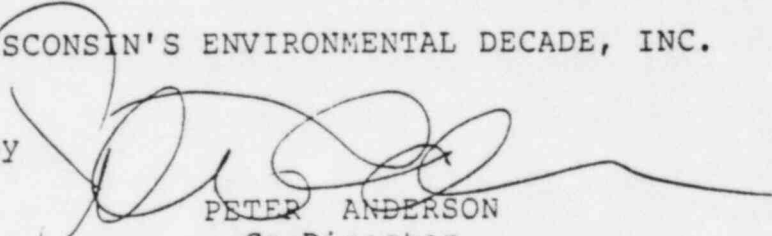
4. Alleged Additional Safety Factors. The Board incorrectly found as a matter of fact that seven other factors provide adequate protection from steam generator tube failures. See Decision, at pp. 23 to 33.

5. Authorization. The Board improperly authorized the issuance of a license amendment for full scale sleeving. See Decision at p. 34 to 35.

DATED at Madison, Wisconsin, this 14<sup>th</sup> day of February, 1983.

WISCONSIN'S ENVIRONMENTAL DECADE, INC.

by

  
PETER ANDERSON  
Co-Director

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AFFIDAVIT OF MAILING

STATE OF WISCONSIN)  
COUNTY OF DANE )

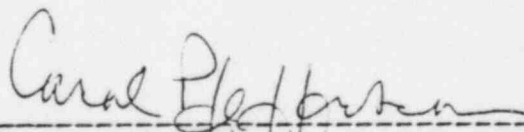
CAROL PFEFFERKORN, being duly sworn on oath, deposes and states that on February 14, 1983, she personally deposited into the United States First Class Mails, a copy of the Decade's Exceptions to the Board's Initial Decision, in the above-captioned matter, to the following Service List.

Atomic Safety and Licensng  
Board  
Attn: Peter B. Bloch, Ch.  
Dr. Jerry R. Kline  
U. S. Nuclear Regulatory Commission  
Washington, DC 20555

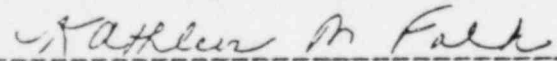
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Carol Pfefferkorn

Subscribed and sworn to before me  
this 14th day of February, 1983.

  
Notary Public, State of Wisconsin  
My commission is permanent.