



Wisconsin Electric POWER COMPANY
231 W. MICHIGAN, P.O. BOX 2046, MILWAUKEE, WI 53201

April 8, 1983

Mr. J. G. Keppler, Regional Administrator
Office of Inspection and Enforcement,
Region III
U. S. NUCLEAR REGULATORY COMMISSION
799 Roosevelt Road
Glen Ellyn, Illinois 60137

Dear Mr. Keppler:

DOCKET NOS. 50-266 AND 50-301
INSPECTION REPORT NOS. 50-266/83-01 AND 50-301/83-01
EMERGENCY PREPAREDNESS PROCEDURES
POINT BEACH NUCLEAR PLANT, UNITS 1 AND 2

The following is in response to your March 8, 1983 letter which forwarded Inspection Report Nos. 50-266/83-01 and 50-301/83-01 describing the findings of a routine safety inspection of emergency preparedness procedures at the Point Beach Nuclear Plant. We disagree with the finding which resulted in the Notice of Violation which was included in the letter. Our belief that the Notice of Violation is inappropriate is based upon our implementation of the following three items:

1. Requirement. As reiterated by your letters dated January 21 and February 11, 1982, and March 8, 1983, Paragraph IV.D.3 of Appendix E to 10 CFR 50 states, in part, that "A licensee shall have the capability to notify responsible State and local governmental agencies within 15 minutes after declaring an emergency."

Implementation. The capability for State and local notification within 15 minutes was achieved with the installation of the NAWAS phone system in July 1980. Procedures for using that system were in place by fall 1980.

April 8, 1983

2. Requirement. Your letters of January 21 and February 11 stated that this notification capability "shall include delegation of authority to the Shift Supervisor to promptly (15 minutes) notify responsible State and county agencies of an emergency if he cannot reach the Duty and Call Supervisor".

Implementation. On February 24, 1982, procedure DCS 1.12.2 was issued. This procedure explicitly provides the Shift Supervisor the authority to proceed on his own, within 15 minutes, with red phone calls and Emergency Plan notifications in accordance with the applicable procedures for each specific event.

3. Requirement. Your letters of January 21 and February 11 also stated that "the licensee shall provide to NRC by February 18, 1982, the State and counties' position regarding prompt notification to them for an Unusual Event emergency at Point Beach".

Implementation. Our February 18, 1982 response stated "The State of Wisconsin Division of Emergency Government (DEG) has in the past asked that it not be notified for an Unusual Event. However, in response to recent discussions with NRC, DEG has reconsidered its waiver of that notification. Our notification procedures will be revised by March 1, 1982 to include notification of the DEG for Unusual Events." Subsequently, a revision to EPIP 2.3, Unusual Event - Offsite Notification, was made to include notification of the State of Wisconsin Division of Emergency Government. Notification of local government agencies was already included in the Unusual Event notification procedure. EPIP 3.3, Alert Event - Offsite Agency Notification, already required notification of both State and local governments. Both procedures recommend initiation as soon as possible and require it within one hour.

From the above, we believe that we complied with the regulation, your correspondence, and our own commitments. Your March 8 letter appears to introduce a new element that notification of State and local agencies for either an Unusual Event or an Alert should be explicitly required within 15 minutes. We believe that the capability for 15-minute notification, as required by Appendix E to 10 CFR 50, is intended for utilization commensurate with the seriousness of the occurrence, and does not require all situations to be treated with the same degree of urgency. We do not consider that an "unusual event" or an "alert" should be characterized as

April 8, 1983

"declaring an emergency" under Appendix E. Further, it appears to us that 15-minute notifications are inconsistent with minor events and wish to note that NRC requirements for notification of significant events under 10 CFR 50.72 allows one hour for notification to the NRC. A requirement to provide 15-minute notification for Unusual Events or Alerts would be more stringent than, and in some cases inconsistent with, that required for significant events as defined by the NRC.

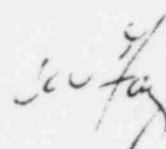
Since we believe we have complied with the regulations as well as the specifics of your previous correspondence, we believe that the Notice of Violation is inappropriate. If you wish a further discussion regarding the necessity of 15-minute notification for Unusual Event and Alert occurrences, please advise.

We also wish to clarify or provide additional information regarding three other items mentioned in the inspection reports.

1. Section 3.a. The augmentation drill committed to be conducted by June 1, 1983 was held on March 5, 1983.
2. Section 4.c. Procurement of a new permanent Post-Accident Sampling System has been cancelled as noted in item 6 of our February 21, 1983 letter to the NRC Office of Nuclear Reactor Regulation (attached). Please note that the new system was originally proposed for our own convenience but never required by NRC and that the existing system meets NRC Lessons Learned requirements.
3. Section 6.i. The specified dates are not wholly precise. The first revision of lesson plan EPLP-3, which includes training on EPIP 1.5, was issued on June 15, 1982. Training in accordance with the revision also began in June 1982.

Please contact us if you require any further clarification of this information.

Very truly yours,



Vice President-Nuclear Power

C. W. Fay

Attachment

Copy to NRC Resident Inspector


Wisconsin Electric POWER COMPANY
231 W. MICHIGAN, P.O. BOX 2046, MILWAUKEE, WI 53201

May 23, 1983

Mr. J. G. Keppler, Regional Administrator
Office of Inspection and Enforcement,
Region III
U. S. NUCLEAR REGULATORY COMMISSION
799 Roosevelt Road
Glen Ellyn, Illinois 60137

Dear Mr. Keppler:

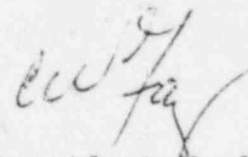
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EMERGENCY PREPAREDNESS PROCEDURES
POINT BEACH NUCLEAR PLANT, UNITS 1 AND 2

As a result of the subject inspection report transmitted by your letter of March 8, 1983 and our response of April 8, 1983, a conference telephone call was held on May 17, 1983 between Messrs. Axelson and Snell of your staff and Messrs. Fay and Lipke of Wisconsin Electric. This letter documents the agreement reached in the course of that call regarding the timing requirements for notification of state and local agencies for an Unusual Event or an Alert.

1. For an Unusual Event, EPIP 2.3 requires that notification "should be initiated as soon as possible after the initial classification and must be initiated within one hour of the initial classification". Your staff agrees that this timing satisfies the intent of the regulations for an Unusual Event.
2. For an Alert, EPIP 3.3 will be revised to require that notification "must be initiated within about 15 minutes of the initial classification as an Alert".

Wisconsin Electric Power Company agrees to have the revised procedure in place by July 1, 1983.

Very truly yours,



Vice President-Nuclear Power

C. W. Fay

Copy to NRC Resident Inspector

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