

DEC 20 1985

Docket No. 50-266

Docket No. 50-301

Wisconsin Electric Power Company

ATTN: Mr. C. W. Fay

Vice President

Nuclear Power Department

231 West Michigan, Room 308

Milwaukee, WI 53201

Gentlemen:

As a result of an inspection conducted at the Point Beach Nuclear Power Plant in January and February 1983 (Inspection Report Nos. 50-266/83-01 and 50-301/83-01) and transmitted to you by cover letter dated March 8, 1983, a violation was issued for failure to provide for notification of State and local governmental agencies within 15 minutes after declaring an alert or unusual event emergency class. Resolution of this issue was eventually achieved after letters from you to Mr. J. G. Keppler dated April 8 and May 23, 1983, a conference call between Wisconsin Electric and NRC on May 17, 1983 and discussions during a management meeting between Wisconsin Electric and NRC on September 28, 1983. Agreement was reached among all parties involved that for an unusual event the intent of the regulations would be met if it was stated that notifications "should be initiated as soon as possible after the initial classification and must be initiated within one hour of the initial classification."

After a recent re-review of this issue, we have determined that we were in error and beyond our authority in accepting this wording in that it is not in agreement with the regulations. 10 CFR Part 50, Appendix E, Section IV.D.3 specifically states that "a licensee shall have the capability to notify responsible State and local governmental agencies within 15 minutes after declaring an emergency." In addition, Section IV.C of Appendix E to Part 50 states "the emergency classes defined shall include: (1) notification of unusual events, (2) alert, (3) site area emergency, and (4) general emergency." It also states that "administrative and physical means for notifying local, State, and Federal officials and agencies. . . , shall be described" in the emergency plan. The wording as agreed to in 1983 gives the latitude of up to one hour to make the initial notification to state and local authorities for a notification of unusual event emergency classification, which is not within 15 minutes as required.

We recognize the fact that your Emergency Plan and procedures are currently structured to ensure that notifications are carried out as soon as possible. However, the fact that they specify that additional time of up to one hour may be taken for the notification of unusual event is in conflict with the regulations.

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As a result of this re-review, please revise your Emergency Plan (Chapter 5.0, Section 7.1) and Emergency Plan Implementing Procedures (EPIP 2.3, Section 4.2) to clearly reflect the 15 minute regulatory requirement for notifications of the unusual event emergency class.

If you choose to retain the wording as it is currently written, a request for an exemption from the regulations may be pursued per 10 CFR Part 50.12(a).

If you have any questions concerning the contents of this letter, please contact Mr. William Snell of my staff at (312) 790-5513.

Sincerely,

"Original signed by W.D. Shafer"

*for* Jack A. Hind, Director  
Division of Radiation Safety  
and Safeguards

cc: J. J. Zach, Plant Manager  
DCS/RSB (RIDS)  
Licensing Fee Management Branch  
Resident Inspector, RIII  
John J. Duffy, Chief  
Boiler Section  
Ness Flores, Chairperson  
Wisconsin Public Service  
Commission  
W. Weaver, FEMA, RIV  
D. Matthews, OIE, EPB

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