



72-05

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NRC 2001-0012

March 20, 2001

Document Control Desk
U.S. NUCLEAR REGULATORY COMMISSION
Mail Station P1-137
Washington, DC 20555

Ladies/Gentlemen:

DOCKETS 72-005, 50-266 AND 50-301
REQUEST FOR SCHEDULER EXEMPTION FROM 10 CFR 72.48
POINT BEACH NUCLEAR PLANT, UNITS 1 AND 2

Pursuant to 10 CFR 72.7, Nuclear Management Corporation (NMC) requests Nuclear Regulatory Commission (NRC) approval of a scheduler exemption from the requirements of 10 CFR 72.48 regarding the Point Beach Nuclear Plant (PBNP) independent spent fuel storage facility (ISFSI). The effective date of April 5, 2001 for the revised 10 CFR 72.48 was established in a October 4, 1999 Federal Register notice (64 FR 53582). However, to synchronize implementation of the revised 10 CFR 50.59 rule with 10 CFR 72.48, PBNP requests that the effective date for 10 CFR 72.48 implementation be delayed until September 7, 2001.

The request is in response to NRC Regulatory Issue Summary (RIS) 2001-03, "Changes, Tests, and Experiments," dated January 23, 2001 which provides guidance on the transition from the original to the amended requirements of 10 CFR 50.59 and 10 CFR 72.48. The RIS stipulates that licensees wanting to implement the revised 10 CFR 72.48 past the April 5, 2001 effective date to coincide with their planned 10 CFR 50.59 implementation date will need to request a scheduler exemption due to additional reporting requirements associated with the revised 10 CFR 72.48. NMC intends to implement the revised 10 CFR 50.59 rule no later than September 7, 2001.

Implementation of the revised 10 CFR 50.59 rule has been delayed to reduce demands on PBNP staff and to schedule training for the change to become effective after the refueling outages for Unit 2 (completed in December 2000) and Unit 1 (starting April 7, 2001). The burden of administering separate programs from April 5, 2001 to September 7, 2001 to satisfy the current scheduler requirement for 10 CFR 72.48 implementation would not be prudent. Administering separate programs could create confusion because ISFSI casks are loaded in the plant. Some types of plant changes can be subject to both 10 CFR 50.59 and 10 CFR 72.48 and need to be screened for both rules. Furthermore, as indicated in the RIS, with the exception of the additional 10 CFR 72.48 reporting requirements, the revised 10 CFR 50.59 and 10 CFR 72.48 rules are considered a relaxation of the existing rules since they will allow licensees greater flexibility to make changes without prior NRC approval. Therefore, continued implementation of 10 CFR 72.48 at PBNP under existing requirements until September 7, 2001 is considered acceptable.

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This exemption is allowed by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. NMC requests approval of the exemption no later than April 5, 2001.

If you have any questions regarding this letter, please contact Tom Webb, Site Licensing Director, at (920) 388-8537.

Sincerely,



Mark E. Reddemann
Site Vice-President

DB/ajr

cc: NRC Resident Inspector
NRC Regional Administrator
NRC Project Manager
PSCW