

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

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**\*see previous concurrence**

ADAMS: ML011520274

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Point Beach Nuclear Plant, Units 1 and 2

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May 2001