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Docket No. 50-301

NOV 18 1971

Wisconsin Electric Power Company
Wisconsin Michigan Power Company
ATTN: Mr. John G. Quale
President
231 West Michigan Street
Milwaukee, Wisconsin

Gentlemen:

Pursuant to the Order of the Atomic Safety and Licensing Board dated November 11, 1971, the Atomic Energy Commission has issued Facility Operating License No. DPR-27 (copy enclosed) to the Wisconsin Electric Power Company and the Wisconsin Michigan Power Company. The license permits fuel loading and subcritical testing of the Point Beach Nuclear Plant Unit No. 2. The reactor is designed for operation at approximately 1518 megawatts thermal, but in accordance with the provisions of Facility Operating License No. DPR-27 and the Technical Specifications appended thereto, the license is restricted to fuel loading and subcritical testing and at no time shall the reactor be made critical following fuel loading and subcritical testing. A related notice which has been forwarded to the Office of the Federal Register for filing and publication is enclosed for your information.

A copy of the Order of the Atomic Safety and Licensing Board is enclosed.

Three signed copies of Amendment No. 3 to Indemnity Agreement No. B-41, which covers the activities authorized under License No. DPR-27 are enclosed for your review and acceptance. Please sign and return one copy of the amendment to this office.

Sincerely,

Original Signed by
Peter A. Morris

Peter A. Morris, Director
Division of Reactor Licensing

Enclosures:
See next page

cc: See next page

ADDRESS: T-N4073,05	OFFICE: AD:PWR	DBL:PWR-1	DRL:PWR-1	DRL:PWR	O G C	A D: PWR
SURNAME: NBrown:jjh	<i>jjh</i>	<i>KKneil</i>	<i>DMuller</i>	<i>PAMorris</i>	<i>jjh (checked)</i>	<i>jjh</i>
DATE: 11/12/71	11/12/71	11/16/71	11/16/71	11/16/71	11/16/71	11/16/71

Wisconsin Electric Power Company - 2 - 68
Wisconsin Michigan Power Company

NOV 16 1971

Enclosures:

1. License No. DPR-27 w/Tech Specs
2. Federal Register Notice
3. Order
4. Amendment No. 3 to Indemnity Agreement No. B-41 (3)

cc: John K. Babbitt, Vice President &
General Manager
Wisconsin Michigan Power Company
807 South Oneida Street
Appleton, Wisconsin 54911

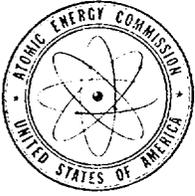
Robert H. Gorske, General Counsel
Wisconsin Electric Power Company &
Wisconsin Michigan Power Company
231 West Michigan Street
Milwaukee, Wisconsin 53201

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N. Brown, DRL

*w/T.S.

OFFICE ▶						
SURNAME ▶						
DATE ▶						



UNITED STATES
 ATOMIC ENERGY COMMISSION
 WASHINGTON, D.C. 20545

Docket No. 50-301

AMENDMENT TO INDEMNITY AGREEMENT NO. B-41

AMENDMENT NO. 3

Effective NOV 16 1971, Indemnity Agreement No. B-41, dated October 9, 1969, between the Wisconsin Electric Power Company and Wisconsin Michigan Power Company and the Atomic Energy Commission is hereby amended as follows:

Item 3 of the Attachment to the indemnity agreement is deleted in its entirety and the following is substituted therefor:

Item 3 - License number or numbers

- SNM-1155 (From 12:01 a.m., October 9, 1969, to 12:00 midnight, October 4, 1970, inclusive)
- DPR-24 (From 12:01 a.m., October 5, 1970)
- SNM-1236 (From 12:01 a.m., February 16, 1971, to 12:00 midnight, NOV 15 1971, inclusive)
- DPR-27 (From 12:01 a.m., NOV 16 1971)

FOR THE UNITED STATES ATOMIC ENERGY COMMISSION

Lyall Johnson

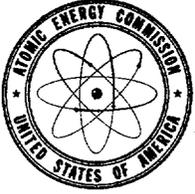
Lyall Johnson, Director
 Division of State and Licensee Relations

Accepted _____, 1971

By _____
 WISCONSIN ELECTRIC POWER COMPANY

Accepted _____, 1971

By _____
 WISCONSIN MICHIGAN POWER COMPANY



UNITED STATES
ATOMIC ENERGY COMMISSION
WASHINGTON, D.C. 20545

WISCONSIN ELECTRIC POWER COMPANY

WISCONSIN MICHIGAN POWER COMPANY

DOCKET NO. 50-301

FACILITY OPERATING LICENSE

License No. DPR-27

The Atomic Energy Commission (the Commission) having found that:

- a. Construction of the Point Beach Nuclear Plant Unit No. 2 (the facility) has been substantially completed, in conformity with Provisional Construction Permit No. CPPR-47, the application as amended, the provisions of the Act, and the rules and regulations of the Commission; and
- b. The facility will operate in conformity with the application as amended, the provisions of the Act, and the rules and regulations of the Commission; and
- c. There is reasonable assurance (i) that the activities authorized by the operating license can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the rules and regulations of the Commission; and
- d. The applicants are technically and financially qualified to engage in the activities authorized by this operating license, in accordance with the rules and regulations of the Commission; and
- e. The applicable provisions of 10 CFR Part 140 have been satisfied; and
- f. The issuance of this license will not be inimical to the common defense and security or to the health and safety of the public; and is pursuant to an Order of the Atomic Safety and Licensing Board dated November 11, 1971, authorizing issuance of a license for fuel loading and subcritical testing, in accordance with Section 50.57(c) and Appendix D, Section D 2, of 10 CFR Part 50.

Facility Operating License No. DPR-27 is hereby issued to Wisconsin Electric Power Company and Wisconsin Michigan Power Company (the applicants) as follows:

1. This license applies to the Point Beach Nuclear Plant Unit No. 2 facility, a closed cycle, pressurized, light water moderated and cooled reactor, and associated steam generators and electric generating equipment (the facility). The facility is located on the applicants' Point Beach site, in the Town of Two Creeks, Manitowoc County, Wisconsin, and is described in the "Final Safety Analysis Report," as supplemented and amended (Amendments Nos. 1 through 12).
2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses the applicants:
 - A. Pursuant to Section 104b of the Atomic Energy Act of 1954, as amended (the Act), and 10 CFR Part 50, "Licensing of Production and Utilization Facilities," to possess, use, and operate the facility as a utilization facility at the designated location on the Point Beach Nuclear Plant Unit No. 2 site; and
 - B. Pursuant to the Act and 10 CFR Part 70, "Special Nuclear Material," to receive, possess, and use at any one time up to 1600 kilograms of U-235 contained in reactor fuel assemblies, 40 milligrams of U-235 contained in fission detectors, and 16 grams of encapsulated plutonium contained in two Pu-Be-Neutron primary source assemblies, all in connection with operation of the facility.
 - C. Pursuant to the Act and 10 CFR Part 30, "Rules of General Applicability to Licensing of Byproduct Material," to receive, possess, and use in connection with operation of the facility 6 sealed sources of Neptunium 237 in dosimeter blocks not to exceed 12.5 microcuries each; and
3. This license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations: 10 CFR Part 20, Section 30.34 of 10 CFR Part 30, Section 40.41 of 10 CFR Part 40, Sections 50.54 and 50.59 of 10 CFR Part 50, and Section 70.32 of 10 CFR Part 70; and is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. Maximum Power Level

The applicants are authorized to load fuel and perform subcritical tests, but at no time shall the reactor be made critical following fuel loading.

B. Technical Specifications

The Technical Specifications contained in Appendix A attached hereto are hereby incorporated in this license. The applicants shall load fuel and perform subcritical tests, (but at no time shall the reactor be made critical following fuel loading) in accordance with the Technical Specifications, and may make changes therein only when authorized by the Commission in accordance with the provisions of Section 50.59 of 10 CFR Part 50.

C. Reports

The applicants shall make certain reports in accordance with the requirements of the Technical Specifications.

D. Records

The applicants shall keep facility operating records in accordance with the requirements of the Technical Specifications.

4. The applicants shall observe such standards and requirements for the protection of the environment as are validly imposed pursuant to authority established under Federal and State law and as are determined by the Commission to be applicable to the facility covered by this operating license. This condition does not apply to radiological effects, since such effects are dealt with in other provisions of this operating license.
5. This license is issued without prejudice to subsequent licensing action which may be taken by the Commission with regard to the environmental aspects of the facility. Issuance of this license shall not preclude subsequent adoption of alternatives in facility design or operations of the type that could result from the environmental review called for by 10 CFR Part 50, Appendix D.
6. The rise in temperature of the condenser circulating water system at the point of discharge as a result of activities authorized by this license shall be confined to the general range of 0.3°F.

7. There shall be no chlorine injection into the condenser circulating water system during the conduct of activities authorized by this license.
8. Pursuant to Section 50.60 of 10 CFR Part 50, paragraph 4 of Provisional Construction Permit No. CPPR-47 allocating quantities of special nuclear material, together with the related estimated schedules contained in Appendix A attached to said provisional construction permit, shall remain in effect.
9. This license is effective as of the date of issuance, and shall expire six (6) months from said date, unless extended for good cause shown, or superseded by a subsequent licensing action.

FOR THE ATOMIC ENERGY COMMISSION

Original Signed by
Peter A. Morris

Peter A. Morris, Director
Division of Reactor Licensing

Enclosure:
Appendix A - Technical Specifications

Date of Issuance: **NOV 16 1971**

UNITED STATES ATOMIC ENERGY COMMISSION

DOCKET NO. 50-301

WISCONSIN ELECTRIC POWER COMPANY

WISCONSIN MICHIGAN POWER COMPANY

NOTICE OF ISSUANCE OF FACILITY OPERATING LICENSE

Notice is hereby given that the Atomic Energy Commission (the Commission) has issued Facility Operating License No. DPR-27 to Wisconsin Electric Power Company and Wisconsin Michigan Power Company (the applicants) which permits fuel loading and subcritical testing of the Point Beach Nuclear Plant Unit No. 2 (facility), a pressurized water nuclear reactor located at the applicants' site in the Town of Two Creeks, Manitowoc County, Wisconsin. The facility is designed for operation at approximately 1518 megawatts thermal, but in accordance with the provisions of Facility Operating License No. DPR-27 and Technical Specifications appended thereto, activities under the license are restricted to fuel loading and subcritical testing and it is provided that at no time shall the reactor be made critical following fuel loading.

A notice of proposed issuance of a facility operating license for the facility was issued by the Commission on March 6, 1971 (36 F.R. 4518). The notice provided that within 30 days from the date of publication, any person whose interest might be affected by the issuance of the license could file a petition for leave to intervene in accordance with the

requirements of 10 CFR Part 2, "Rules of Practice." On April 5, 1971, a petition for leave to intervene and request for a hearing was jointly filed by Businessmen for the Public Interest, an Illinois not-for-profit corporation; the Sierra Club, a not-for-profit California corporation; and Protect our Wisconsin Environment Resources, an unincorporated association of residents of Two Creeks, Wisconsin. By Commission Memorandum and Order dated May 6, 1971, the petition for leave to intervene and request for a hearing was granted and a presiding atomic safety and licensing board was appointed. On July 14, 1971, the applicants requested the Board pursuant to 10 CFR section 2.730 and section 50.57(c) of the Commission's regulations to issue an order authorizing the Director of Regulation to make the necessary findings and issue a license permitting fuel loading and subcritical testing.

Subsequent to the filing of Applicants' motion, the Commission amended Appendix D of 10 CFR Part 50, which is a statement of general Commission policy relating to the implementation of the National Environmental Policy Act of 1969 in connection with licensing actions. Subsequently the applicants and the staff presented to the Board information as to the environmental impact of the proposed fuel loading and subcritical testing license. On November 11, 1971, the Board issued an order, authorizing fuel loading and subcritical testing and directed that certain conditions be included in the license authorizing these activities.

The Commission's regulatory staff has inspected the facility and has determined that, for fuel loading and subcritical testing, the facility

has been constructed in accordance with the application, as amended, and the provisions of Provisional Construction Permit No. CPFR-47. The applicants have submitted proof of financial protection in satisfaction of 10 CFR Part 140.

The Director of Regulation has made the findings set forth in the license, and has concluded that the application for construction permit and facility license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Chapter 1, and that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public.

The license is effective as of the date of issuance and shall expire six (6) months from said date, unless extended for good cause shown, or superseded by a subsequent licensing action.

Copies of (1) the Board's order of November 11, 1971, (2) Facility Operating License No. DPR-27, complete with Technical Specifications, (3) the Safety Evaluation for the Point Beach Nuclear Plant Unit No. 1 and No. 2, dated July 15, 1970, and Addenda 1, 2, 3, and 4 thereto, dated March 24, 1971, May 1971, May 24, 1971, and November 2, 1971, respectively, (4) the report of the Advisory Committee on Reactor Safeguards on the Point Beach Nuclear Plant Units 1 and 2, dated April 16, 1970, and (5) "Discussion and Conclusions by the Division of Reactor Licensing, U. S. Atomic Energy Commission, Pursuant to Appendix D of 10 CFR Part 50,

Supporting the Issuance of a License to Wisconsin Electric Power Company and the Wisconsin Michigan Power Company, Authorizing the Loading of Fuel and Subcritical Testing of Point Beach Nuclear Plant Unit No. 2, Docket No. 50-301, dated October 19, 1971," are available for public inspection in the Commission's Public Document Room, 1717 H Street, N. W., Washington, D. C. Copies of the license, complete with Technical Specifications, and items (2), (3) and (5) may be obtained upon request addressed to the Atomic Energy Commission, Washington, D. C. 20545, Attention Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 16th day of November, 1971.

FOR THE ATOMIC ENERGY COMMISSION

Original Signed by
Peter A. Morris

Peter A. Morris, Director
Division of Reactor Licensing