

March 5, 1991

Docket Nos. 50-266
and 50-301

Mr. C. W. Fay, Vice President
Nuclear Power Department
Wisconsin Electric Power Company
231 W. Michigan Street, Room 308
Milwaukee, Wisconsin 53201

DISTRIBUTION

Docket File
PDIII-3 Reading
J. Partlow
B. Boger
P. Kreutzer
OGC
G. Hill (4)
GPA/PA
PDIII-3 Gray

NRC & Local PDRs
T. Murley/F. Miraglia
C. Rossi
J. Zwolinski
R. Samworth
E. Jordan
ACRS (10)
OC/LFMB
J. Wechselberger

Dear Mr. Fay:

SUBJECT: SCHEDULAR EXEMPTION TO 10 CFR 55.45(b)(2)(iii) FOR SIMULATION
FACILITY CERTIFICATION (TAC NOS. 79310 AND 79311)

The Commission has issued the enclosed exemption from the requirements of 10 CFR 55.45(b)(2)(iii). The exemption allows for the submittal of NRC Form 474, "Simulation Facility Certification," after the March 26, 1991 deadline provided in the rule, but no later than July 24, 1991. The exemption is in response to your application dated December 17, 1990 (NRC-90-123).

Based on the considerations discussed in the exemption, we have concluded that the information provided and the actions described in the application form an acceptable basis for the granting of an exemption. The Commission has determined, pursuant to 10 CFR 55.11, that this exemption is authorized by law and will not result in undue hazard to life or property and is otherwise in the public interest. Furthermore, the Commission has determined, pursuant to 10 CFR 50.12(a), that the special circumstances of 10 CFR 50.12(a)(2)(v) are applicable in that the exemption would provide only temporary relief from the regulation and you have made good faith efforts to comply with the regulation.

A copy of the exemption is being forwarded to the Office of the Federal Register for publication.

Sincerely,

Original Signed By:

Robert B. Samworth, Sr. Project Manager
Project Directorate III-3
Division of Reactor Projects - III/IV/V
Office of Nuclear Reactor Regulation

Enclosure:
As stated

cc w/enclosure:
See next page

DOCUMENT NAME: SCHEDULAR EXEMPTION 79310/311 *See Previous Concurrence

LA/PDIII-3 PKreutzer 2/25/91 34 #1 D/DRP345 BBoger 3/6/91	PM/PDIII-3 RSamworth:rc 2/26/91	PD/PDIII-3 JHannon 2/6/91	OGC* LCadorete 02/12/91	BC/LOLB* RGallo 02/08/91	AD3/DRP345 JZwolinski 3/1/91
-----------------------------------------------------------------------------	---------------------------------------	---------------------------------	-------------------------------	--------------------------------	------------------------------------

886029

QF01
11

9103110029 910305
PDR ADDCK 05000266
PDR

March 5, 1991

Docket Nos. 50-266
and 50-301

Mr. C. W. Fay, Vice President
Nuclear Power Department
Wisconsin Electric Power Company
231 W. Michigan Street, Room 308
Milwaukee, Wisconsin 53201

DISTRIBUTION

Docket File
PDIII-3 Reading
J. Partlow
B. Boger
P. Kreutzer
OGC
G. Hill (4)
GPA/PA
PDIII-3 Gray

NRC & Local PDRs
T. Murley/F. Miraglia
C. Rossi
J. Zwolinski
R. Samworth
E. Jordan
ACRS (10)
OC/LFMB
J. Wechselberger

Dear Mr. Fay:

SUBJECT: SCHEDULAR EXEMPTION TO 10 CFR 55.45(b)(2)(iii) FOR SIMULATION
FACILITY CERTIFICATION (TAC NOS. 79310 AND 79311)

The Commission has issued the enclosed exemption from the requirements of 10 CFR 55.45(b)(2)(iii). The exemption allows for the submittal of NRC Form 474, "Simulation Facility Certification," after the March 26, 1991 deadline provided in the rule, but no later than July 24, 1991. The exemption is in response to your application dated December 17, 1990 (NRC-90-123).

Based on the considerations discussed in the exemption, we have concluded that the information provided and the actions described in the application form an acceptable basis for the granting of an exemption. The Commission has determined, pursuant to 10 CFR 55.11, that this exemption is authorized by law and will not result in undue hazard to life or property and is otherwise in the public interest. Furthermore, the Commission has determined, pursuant to 10 CFR 50.12(a), that the special circumstances of 10 CFR 50.12(a)(2)(v) are applicable in that the exemption would provide only temporary relief from the regulation and you have made good faith efforts to comply with the regulation.

A copy of the exemption is being forwarded to the Office of the Federal Register for publication.

Sincerely,

Original Signed By:

Robert B. Samworth, Sr. Project Manager
Project Directorate III-3
Division of Reactor Projects - III/IV/V
Office of Nuclear Reactor Regulation

Enclosure:
As stated

cc w/enclosure:
See next page

DOCUMENT NAME: SCHEDULAR EXEMPTION 79310/311 *See Previous Concurrence

LA/PDIII-3	PM/PDIII-3	PD/PDIII-3	OGC*	BC/LOLB*	AD3/DRP345
PKreutzer	RSamworth:rc	JHannon	LCadorette	RGallo	JZwolinski
2/26/91	2/26/91	2/26/91	02/12/91	02/08/91	3/1/91
9/4 #1					
D/DRP345					
BBoger					
3/6/91					

Mr: C. W. Fay
Wisconsin Electric Power Company

Point Beach Nuclear Plant
Unit Nos. 1 and 2

cc:

Ernest L. Blake, Jr.
Shaw, Pittman, Potts & Trowbridge
2300 N Street, N.W.
Washington, DC 20037

Mr. Gregory J. Maxfield, Manager
Point Beach Nuclear Plant
Wisconsin Electric Power Company
6610 Nuclear Road
Two Rivers, Wisconsin 54241

Town Chairman
Town of Two Creeks
Route 3
Two Rivers, Wisconsin 54241

Chairman
Public Service Commission
of Wisconsin
Hills Farms State Office Building
Madison, Wisconsin 53702

Regional Administrator, Region III
U.S. Nuclear Regulatory Commission
Office of Executive Director
for Operations
799 Roosevelt Road
Glen Ellyn, Illinois 60137

Resident Inspector's Office
U.S. Nuclear Regulatory Commission
6612 Nuclear Road
Two Rivers, Wisconsin 54241

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
WISCONSIN ELECTRIC POWER)	Docket Nos. 50-266
COMPANY)	and 50-301
(Point Beach Nuclear Plant,)	
Units No. 1 and No. 2))	

EXEMPTION

I.

Wisconsin Electric Power Company (Wisconsin Electric or the licensee) is the holder of Facility Operating License Nos. DPR-24 and DPR-27, which authorize operation of the Point Beach Nuclear Plant, Unit Nos. 1 and 2. The licenses provide, among other things, that the Point Beach Plant is subject to all rules, regulations, and orders of the Commission now or hereafter in effect. The facility consists of two pressurized water reactors located on the licensee's site in Manitowoc County, Wisconsin.

The revision to 10 CFR Part 55, "Operators' Licenses," which became effective on May 26, 1987, established requirements for the administration of operating tests on nuclear power plant simulators. These regulations, in conjunction with 10 CFR 50.54(i-1), require facility licensees to use simulation facilities when administering operating tests for initial licensing and requalification. These regulations further require that a certified or NRC-approved simulation facility must be used to administer operating tests after May 26, 1991. By letter dated December 17, 1990, Wisconsin Electric

requested an exemption from the schedular requirements for certification of a plant-referenced simulator.

II.

The licensee intends to comply with 10 CFR 55.45(b) by certifying a plant-referenced simulator. Section 55.45(b)(2)(iii) of 10 CFR Part 55 requires that facility licensees proposing to use a simulation facility consisting solely of a plant-referenced simulator submit Form NRC-474, "Simulation Facility Certification," no later than 46 months after the effective date of this rule, that is, by March 26, 1991. On December 17, 1990, Wisconsin Electric requested an exemption from this filing requirement to allow for the submittal of NRC Form-474 after March 26, 1991, but no later than July 24, 1991.

Wisconsin Electric began writing the specifications for the purchase of a plant-referenced simulator in early 1986. These specifications were issued to prospective bidders in December 1986. After extensive negotiations with qualified bidders, the contract for the construction of the Point Beach Plant simulator was let on April 15, 1988.

In accordance with 10 CFR 55.45(b)(5)(vi), any certification report must include, among other things, a description of performance testing completed for the simulation facility. It has always been the intent of Wisconsin Electric to use the Factory Acceptance Testing (FAT) of the plant-referenced simulator as the testing portion of the certification process. The FAT of the simulator was originally scheduled for a 90-day period beginning on September 3, 1990. Due to delays in hardware delivery and software development, the FAT was not actually commenced until October 9, 1990.

This 5-week delay, of itself, would not have necessitated a late submittal of NRC Form-474. However, once the FAT began, the simulator did not perform as well as expected. Wisconsin Electric, therefore, augmented its staff at the simulator vendor's site by three people in order to better support test administration and documentation. The licensee also increased the testing schedule from one shift a day, 5 days a week, to two shifts a day, 6 days a week. These actions have achieved some positive results, but the resolution of some of the test discrepancies and failures still requires the attention of expert vendor technical personnel. Additional resources of this nature have not been available. Because of the late testing start and the unexpectedly poor performance of the simulator, Wisconsin Electric has concluded that the Point Beach Plant simulator will not be ready for certification until after the March 26, 1991 deadline.

Wisconsin Electric proposes to comply with 10 CFR 55.45(b) for the Point Beach Plant by certifying a plant referenced simulator by July 24, 1991. During the period from May 26, 1991 until certification of the simulator, no initial or requalification operating tests are scheduled.

III.

The Commission has determined, pursuant to 10 CFR 55.11, that this exemption is authorized by law and will not endanger life or property and is otherwise in the public interest. Furthermore, the Commission has determined, pursuant to 10 CFR 50.12(a), that special circumstances of 10 CFR 50.12(a)(2)(v) are applicable in that the exemption would provide only temporary relief from the applicable regulation and the licensee has made good faith efforts to comply with the regulation. This exemption grants a temporary relief period

of 4 months from the March 1991 date for submittal of the Point Beach Plant simulation facility certification. Good faith efforts to comply with the regulation were made as follows:

- (1) Wisconsin Electric began writing specifications for a plant-referenced simulator in early 1986 and issued invitations for bids in December 1986.
- (2) On April 15, 1988, Wisconsin Electric entered into contract for construction of a plant-referenced simulator. The simulator was originally scheduled for delivery by December 1990 and was to be ready for training by February 1991.
- (3) Wisconsin Electric has kept the NRC informed of the status of the Point Beach Plant simulator project. In letters dated October 11, 1989, and March 13, 1990, the licensee provided updated estimated certification dates. On April 10, 1990, in a meeting at NRC headquarters, Wisconsin Electric presented the details of the project and its status.
- (4) Upon identifying unexpectedly poor performance during simulator testing, Wisconsin Electric allocated additional resources to the project. Three people were added to the licensee's staff at the simulator vendor's site and testing was increased from five to twelve shifts per week.
- (5) Wisconsin Electric intends to comply with 10 CFR 55.45(b)(2)(iv) by not administering the simulation facility portion of the operating test on other than a certified simulator after May 26, 1991.

The Commission hereby grants an exemption from the schedular requirements of 10 CFR 55.45(b)(2)(iii) for submittal of NRC Form-474, "Simulation Facility Certification." This exemption is effective until July 24, 1991.

Pursuant to 10 CFR 51.21, 51.32, and 51.35, an environmental assessment and finding of no significant impact has been prepared and published in the Federal Register on March 5, 1991 (56 FR 9238). Accordingly, based upon the environmental assessment, the Commission has determined that the issuance of this amendment will not have a significant effect on the quality of the human environment.

The licensee's exemption request dated December 17, 1990 is available for public inspection at the Commission's Public Document Room, 2120 L Street, N.W., Washington, D.C. and at the local public document room located at the Joseph P. Mann Public Library, 1516 Sixteenth Street, Two Rivers, Wisconsin.

This exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



Bruce A. Boger, Director
Division of Reactor Projects - III/IV/V
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland
this 5th day of March 1991.