

February 15, 1989

Docket Nos. 50-266
and 50-301

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

Distribution

Docket File

NRC & Local PDRS
PDIII-3 r/f
PDIII-3 Gray
GHolahan
MVirgilio

PKreutzer
WSwenson
OGC
DHagan
ACRS(10)
GPA/PA

Dear Mr. Fay:

SUBJECT: POINT BEACH NUCLEAR PLANT, UNIT NOS. 1 AND 2 - CONSIDERATION
NOTICE CONCERNING NUCLEAR FUEL STORAGE ENRICHMENTS
(TAC NOS. 68862 AND 68863)

Enclosed is a "Notice of Consideration of Issuance of Amendment to
Facility Operating License and Opportunity for Hearing" concerning your
application for amendment dated July 6, 1988. This Notice was forwarded
to the Office of the Federal Register for publication.

Sincerely,

/s/

Warren H. Swenson, Project Manager
Project Directorate III-3
Division of Reactor Projects - III,
IV, V and Special Projects
Office of Nuclear Reactor Regulation

Enclosure:
As stated

cc w/enclosure:
See next page

Office: LA/PDIII-3 *SPH*
Surname: *for* PKreutzer
Date: *for* 2/15/89

WSW
PM/PDIII-3
WSwenson/mr
2/15/89

JVM
PD/PDIII-3
for JHannon
2/15/89

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PDR ADDCK 05000266
P FIC

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C/P-1
cc

Mr. C. W. Fay
Wisconsin Electric Power Company

Point Beach Nuclear Plant
Units 1 and 2

cc:

Mr. Bruce Churchill, Esq.
Shaw, Pittman, Potts and Trowbridge
2300 N Street, N.W.
Washington, DC 20037

Mr. James J. Zach, 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 NUCLEAR REGULATORY COMMISSION
WISCONSIN ELECTRIC POWER COMPANY
POINT BEACH NUCLEAR PLANT, UNIT NOS. 1 AND 2
DOCKET NOS. 50-266 AND 50-301
NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO
FACILITY OPERATING LICENSE AND OPPORTUNITY FOR HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License Nos. DPR-24 and DPR-27, issued to Wisconsin Electric Power Company, for operation of the Point Beach Nuclear Plant, Unit Nos. 1 and 2, located at the licensee's site in Manitowoc County, Wisconsin.

The proposed amendment would revise the provisions in the Point Beach Nuclear Plant, Unit Nos. 1 and 2, Technical Specifications (TS's) relating to fuel storage. Specifically, the proposed amendment would increase the U-235 content per axial centimeter for OFA fuel assemblies from 39.4 to 46.8 grams and would permit the use of axial fuel blankets. The increase in U-235 content for the OFA fuel assemblies corresponds to an increase in fresh fuel enrichment from the current limit of 4.0 to 4.75 weight percent U-235. The U-235 content permitted for standard fuel assemblies would remain unchanged.

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Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By March 27, 1989, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and

extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first pre-hearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene, which must include a list of the contentions that are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 2120 L Street, N.W.,

Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-800-325-6000 (in Missouri 1-800-342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John N. Hannon: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this FEDERAL REGISTER notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Gerald Charnoff, Esq., Shaw, Pittman, Potts, and Trowbridge, 2300 N Street, N.W., Washington, D.C. 20037, attorney for the licensee.

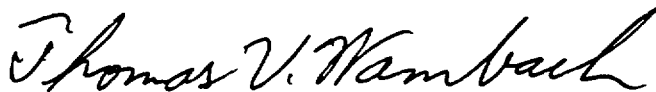
Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

If a request for hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its intent to make a no significant hazards consideration finding in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated July 6, 1988, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, N.W., Washington, D. C. 20555, and at the local public document room at the Joseph P. Mann Library, 1516 Sixteenth Street, Two Rivers, Wisconsin.

Dated at Rockville, Maryland, this 15th day of February , 1989.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in cursive script, reading "Thomas V. Wambach".

Thomas V. Wambach, Acting Director
Project Directorate III-3
Division of Reactor Projects - III,
IV, V and Special Projects
Office of Nuclear Reactor Regulation