

November 28, 1995

Distribution w/encls:

Mr. Robert E. Link, Vice President
Nuclear Power Department
Wisconsin Electric Power Company
231 West Michigan Street, Room P379
Milwaukee, WI 53201

Docket File GHill(4)
PUBLIC WAxelson, RIII
PD3-3 Reading EAdensam (E-mail)
RZimmerman WRussell/FMiraglia
JRoe BMcCabe
ACRS

SUBJECT: POINT BEACH NUCLEAR PLANT, UNIT NOS. 1 AND 2 - ISSUANCE OF ONE-TIME EXEMPTION FROM CERTAIN REQUIREMENTS OF APPENDIX E TO 10 CFR PART 50 (TAC NOS. M93812 AND M93813)

Dear Mr. Link:

The Commission has granted the enclosed exemption from 10 CFR Part 50, Appendix E, Section IV.F.2.b for Point Beach Nuclear Plant, Unit Nos. 1 and 2. The exemption is granted in response to your application dated October 6, 1995, as supplemented November 3, 1995. The exemption allows a one-time exemption (for 1995) from the annual emergency plan exercise requirement. This is acceptable because Point Beach has demonstrated excellent performance in the emergency preparedness area during the last two Systematic Assessment of Licensee Performance (SALP) periods and has performed an emergency drill in August 1995 involving major elements of the Point Beach Emergency Plan.

We find that granting the exemption is authorized by law, will not present an undue risk to the public health and safety, is consistent with the common defense and security, and meets the special circumstances described in 10 CFR 50.12(a)(2)(ii). In addition, pursuant to 10 CFR 51.32, the Commission has determined that granting this exemption will have no significant impact on the environment (60 FR 58685). A copy of the exemption is being forwarded to the Office of the Federal Register for publication.

Sincerely,

Original signed by:

Allen G. Hansen, Project Manager
Project Directorate III-3
Division of Reactor Projects III/IV
Office of Nuclear Reactor Regulation

Docket Nos. 50-266
and 50-301

Enclosure: Exemption

cc w/encls: See next page

DOCUMENT NAME: G:\PTBEACH\PTB93812.EXE

* See previous concurrence

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	LA:PDIII-3	<input checked="" type="checkbox"/>	PM:PDIII-3	<input checked="" type="checkbox"/>	OGC *		PD:PDIII-3		D:DRPW
NAME	DFoeter-Curreen	<input checked="" type="checkbox"/>	AHansen	<input checked="" type="checkbox"/>	AHodgdon		GMarcus	<input checked="" type="checkbox"/>	JRoe
DATE	11/16/95		11/16/95		11/13/95		11/17/95		11/17/95

11/28/95 OFFICIAL RECORD COPY

270060

CR 3

-9512280066

WFO 11

Mr. Robert E. Link, Vice President
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
P.O. Box 7854
Madison, Wisconsin 53707-7854

Regional Administrator
U.S. NRC, Region III
801 Warrenville Road
Lisle, Illinois 60532-4531

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

Ms. Sarah Jenkins
Electric Division
Public Service Commission of Wisconsin
P.O. Box 7854
Madison, Wisconsin 53707-7854

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
Wisconsin Electric Power Company)	Docket Nos. 50-266 and 50-301
)	
(Point Beach Nuclear Plant,)	
Units 1 and 2))	

EXEMPTION

I.

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

II.

Section 50.54(q) of 10 CFR Part 50 requires a licensee authorized to operate a nuclear power reactor to follow and maintain in effect Emergency Plans that meet the standards of 10 CFR 50.47(b) and the requirements of Appendix E to 10 CFR Part 50. Section IV.F.2.b of Appendix E requires that each licensee annually exercise its Emergency Plan.

The NRC may grant exemptions from the requirements of the regulations which, pursuant to 10 CFR 50.12, are (1) authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security; and (2) present special circumstances. Special circumstances exist when the application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not

9512280076

necessary to achieve the underlying purpose of the rule [10 CFR 50.12(a)(2)(ii)]. The underlying purpose of 10 CFR Part 50, Appendix E Section IV.F.2.b is to demonstrate that the state of emergency preparedness provides reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency.

III.

By letters dated October 6, 1995 and November 3, 1995, the licensee requested a one-time exemption from the requirements of 10 CFR 50.47 and Appendix E to conduct an annual exercise of the Point Beach Emergency Plan in 1995. The Point Beach utility-only annual emergency exercise is currently scheduled for December 13, 1995. The licensee requested an exemption from the annual exercise requirement for 1995 based on: (1) their continued excellent performance in the area of emergency preparedness, (2) their conduct, earlier in the year, of a comprehensive drill involving major elements of the emergency plan, and (3) the potential for the 1995 exercise to have a negative impact on dry cask fuel storage activities.

The Point Beach Nuclear Plant, in conjunction with the State of Wisconsin, and Manitowoc and Kewaunee counties, conducted a full participation emergency preparedness exercise on December 6, 1994. Offsite emergency response activities were evaluated by the Federal Emergency Management Agency (FEMA) and the onsite emergency response activities were evaluated by the NRC. The NRC's evaluation is documented in NRC Inspection Report Nos. 50-266/94023 and 50-301/94023, dated December 16, 1994. The report states that no violations or deviations were identified and overall performance during the exercise was good. The licensee has implemented actions to correct the one exercise weakness, concerning offsite monitoring team vehicle readiness,

identified during the December 6, 1994, exercise. The licensee has received an "excellent" rating on the last two Systematic Assessment of Licensee Performance reports in the area of emergency preparedness (Inspection Report Nos: 266/93001; 301/93001, dated July 16, 1993, and 266/94001; 301/94001 dated October 21, 1994).

The licensee performed an emergency drill on August 29, 1995, involving major elements of the Point Beach Emergency Plan. All emergency response facilities were activated for the drill and communications were made to the State. The licensee performed a thorough critique of the drill to identify strengths, deficiencies, weaknesses, and areas for improvement. No deficiencies, three weaknesses, and several areas for improvement were identified during the drill. The licensee has a program for correcting the weaknesses and for implementing actions to address the areas for improvement. The licensee plans to correct weaknesses identified during the drill prior to the 1996 full-participation exercise.

Appendix E to Part 50 requires that licensees shall enable any State or local government located within the plume exposure pathway emergency planning zone (EPZ) to participate in annual exercises when requested by such State or local government. The licensee has discussed the request for exemption from the 1995 annual emergency preparedness exercise with the State and local governments within the EPZ. The State and local governments within the EPZ have informed the licensee that they do not regard the exemption as a missed opportunity for them to exercise their emergency plan. The State and local governments within the Point Beach EPZ participated in the October 11, 1995, exercise at the nearby Kewaunee Nuclear Power Plant. The licensee's next emergency preparedness exercise is scheduled for August 1996 and will include

the participation of State and local government emergency response organizations.

The licensee states that the 1995 exercise, as planned, is anticipated to have a negative impact on the licensee's oversight of the storage of spent fuel in an independent spent fuel storage installation at the Point Beach Nuclear Plant. The licensee had hoped to load their first dry storage container prior to mid-September. However, due to various reasons, they are now planning to load the first container in early December following the Point Beach Unit 2 refueling outage which is scheduled to be completed by the end of November. The licensee states that it is prudent to load a dry storage container as soon as possible in order to minimize the time that Point Beach will not have the capacity for a full-core offload. In addition, the licensee states that emergency response personnel who would be involved in the emergency exercise will be involved in oversight of the process for loading the storage containers.

IV.

Based upon a review of the licensee's request for an exemption for the requirement to conduct an exercise of the Point Beach Nuclear Plant Emergency Plan in 1995, the NRC staff finds that performance of the 1995 utility-only annual exercise is not needed to achieve the underlying purpose of the regulation, that is, to demonstrate that the state of emergency preparedness provides reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency. The licensee has demonstrated excellent performance in the emergency preparedness area. The integrated emergency preparedness drill in August of 1995 provided a good test of the emergency preparedness program. The licensee performed a thorough

the drill. The licensee plans to correct weaknesses which were identified during the drill prior to the 1996 full-participation exercise.

The Commission has determined, pursuant to 10 CFR Part 50.12, that this exemption as described in Section II above is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Furthermore, the Commission has determined that special circumstances as provided in 10 CFR 50.12(a)(2)(ii) are present in that application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule.

The Commission hereby grants a one-time exemption from the requirements of 10 CFR Part 50, Appendix E, Section IV.F.2.b, for annually exercising the onsite Emergency Plan at the Point Beach Nuclear Plant in the year 1995.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact on the quality of the human environment (60 FR 58685).

This exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

Original signed by:

Jack W. Roe, Director
Division of Reactor Projects III/IV
Office of Nuclear Reactor Regulation

DOCUMENT NAME: G:\PTBEACH\PTB93812.EXE

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	LA:PD3-3	<input checked="" type="checkbox"/> E	PM:PD3-3	<input checked="" type="checkbox"/> C	BC:PERB TARE	BC:PERB [Signature]	RIII	<input checked="" type="checkbox"/> T	OGC		PD:PD3-3	D:DRPW
NAME	DFoster-Curseen	AHansen	TEssig	CMiller	JFoster						GMarcus	JRoe
DATE	11/8/95	11/8/95	11/8/95	11/16/95	11/18/95				11/16/95		11/17/95	11/21/95

OFFICIAL RECORD COPY