

NRC 2003-0097

10 CFR 50.90

October 20, 2003

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555

POINT BEACH NUCLEAR PLANT, UNIT 1
DOCKET 50-266; LICENSE DPR-24
PROPOSED CORRECTION TO LICENSE

Pursuant to 10 CFR 50.90, Nuclear Management Company, LLC (NMC) is submitting a request for a correction to the license for Point Beach Nuclear Plant, Unit 1.

The proposed correction to the license re-incorporates paragraphs (f) and (g). These two paragraphs appear to have been inadvertently omitted during issuance of Amendment 39 to Facility Operating License No. DPR-24 on August 2, 1979. There are no amendments to the Technical Specifications associated with this proposed correction.


Attachment I provides a description, justification, and a no significant hazards determination for the proposed correction. Attachment II provides the revised Unit 1 license page.

NMC requests approval of the proposed license correction by October 2004. The approval date was administratively selected to allow for NRC review but the plant does not require this correction to allow continued safe full power operation.

In accordance with 10 CFR 50.91, a copy of this submittal, with attachments, is being provided to the designated Wisconsin Official.

This submittal makes no new commitments or changes to existing commitments.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on October 20, 2003.


A. J. Cayia
Site Vice President

JG/kmd

Attachments

- I Description of Change
- II Revised License DPR-24 Page

cc: Regional Administrator, Region III, USNRC
Project Manager, Point Beach Nuclear Plant, NRR, USNRC
NRC Resident Inspector - Point Beach Nuclear Plant
PSCW

DESCRIPTION OF CHANGE

**PROPOSED CORRECTION TO LICENSE
POINT BEACH NUCLEAR PLANT, UNIT 1**

1.0 INTRODUCTION

Pursuant to 10 CFR 50.90, a correction to the license for Point Beach Nuclear Plant (PBNP), Unit 1, is being proposed.

2.0 DESCRIPTION OF CHANGE

The proposed correction would re-incorporate paragraphs (f) and (g) into the license. These two paragraphs appear to have been inadvertently omitted during issuance of Amendment 39 to Facility Operating License No. DPR-24 on August 2, 1979.

Additionally, the license page is slightly reformatted, by widening sections (a) through (e), to allow the revised contents to fit within the page. This revised format is consistent with the license for PBNP Unit 2.

3.0 ANALYSIS

Prior to issuance of Amendment 39 to Facility Operating License No. DPR-24 (Unit 1 License) on August 2, 1979, the Unit 1 license contained paragraphs (f) and (g), which appeared at the top of page 2 of the Unit 1 license:

- f. The applicable provisions of 10 CFR Part 140 have been satisfied; and
- g. The issuance of this license will not be inimical to the common defense and security or to the health and safety of the public.

These two paragraphs were moved from the bottom of page 1 of the Unit 1 license to the top of page 2 during a license revision issued on February 15, 1978.

On August 2, 1979, the NRC issued Amendments Nos. 39 and 44 to Facility Operating License Nos. DPR-24 and DPR-27 for PBNP Units 1 and 2, respectively. The letter transmitting these amendments included the following statement:

Also, for our administrative convenience and to correct an error in paragraph identification which was made when we issued Amendment Nos. 38 and 43 on May 11, 1979, we are reissuing new pages 2 through 5 for Facility Operating License Nos. DPR-24 and DPR-27.

Page 2 of the issued Unit 1 license did not include paragraphs (f) and (g). It appears that the August 2, 1979 reissuance of the license inadvertently omitted these two paragraphs. The Unit 2 license is not affected by this condition since the corresponding license paragraphs remained on page 1 of that unit's license.

These two paragraphs are part of the statement of the NRC's findings regarding the statutory basis for issuing the original Unit 1 license. The proposed correction seeks to reinstate these two omitted paragraphs.

Neither the inclusion nor the exclusion of these two paragraphs affects any requirements for the safe operation of PBNP.

4.0 REGULATORY ANALYSIS

4.1 No Significant Hazards Determination

In accordance with the requirements of 10 CFR 50.90, Nuclear Management Company, LLC (NMC) (licensee) hereby requests an amendment to facility operating license DPR-24, for Point Beach Nuclear Plant (PBNP), Unit 1. The purpose of the proposed amendment is to re-incorporate paragraphs (f) and (g) into the license. These two paragraphs appear to have been inadvertently omitted during issuance of Amendment 39 to Facility Operating License No. DPR-24 on August 2, 1979.

NMC has evaluated the proposed amendment in accordance with 10 CFR 50.91 against the standards in 10 CFR 50.92 and has determined that the operation of PBNP in accordance with the proposed amendment presents no significant hazards. Our evaluation against each of the criteria in 10 CFR 50.92 follows.

- 1. Operation of PBNP in accordance with the proposed amendments does not result in a significant increase in the probability or consequences of any accident previously evaluated.**

Paragraphs (f) and (g) of DPR-24 are part of the statement of the NRC's findings regarding the statutory basis for issuing the original Unit 1 license. The proposed correction seeks to reinstate these two omitted paragraphs. The statement of finding in these two paragraphs does not impact the analysis of postulated accidents.

Therefore, the consequences of an accident previously evaluated will not be significantly increased as a result of the proposed change.

- 2. Operation of PBNP in accordance with the proposed amendments does not result in a new or different kind of accident from any accident previously evaluated.**

Paragraphs (f) and (g) of DPR-24 are part of the statement of the NRC's findings regarding the statutory basis for issuing the original Unit 1 license. The proposed correction seeks to reinstate these two omitted paragraphs. Neither the inclusion nor the exclusion of these two paragraphs affects any requirements for the safe operation of PBNP. Therefore, reinsertion of the two paragraphs as proposed will not create any new failure mechanisms.

Equipment important to safety will continue to operate as designed. The changes do not result in any event previously deemed incredible being made credible. The changes do not result in more adverse conditions or result in any increase in the challenges to safety systems. Therefore, operation of the Point Beach Nuclear Plant in accordance with the proposed amendment will not create the possibility of a new or different type of accident from any accident previously evaluated.

3. Operation of PBNP in accordance with the proposed amendments does not result in a significant reduction in a margin of safety.

Paragraphs (f) and (g) of DPR-24 are part of the statement of the NRC's findings regarding the statutory basis for issuing the original Unit 1 license. The proposed correction seeks to reinstate these two omitted paragraphs. Neither the inclusion nor the exclusion of these two paragraphs affects any requirements for the safe operation of PBNP. There are no new or significant changes to the initial conditions contributing to accident severity or consequences. The proposed amendment will not otherwise affect the plant protective boundaries, will not cause a release of fission products to the public, nor will it degrade the performance of any other systems, structures or components important to safety. Therefore, reinstating these two paragraphs into DPR-24 will not result in a significant reduction in the margin of safety.

Conclusion

Operation of PBNP in accordance with the proposed amendment will not result in a significant increase in the probability or consequences of any accident previously analyzed; will not result in a new or different kind of accident from any accident previously analyzed; and, does not result in a significant reduction in any margin of safety. Therefore, operation of PBNP in accordance with the proposed amendment does not result in a significant hazards determination.

4.2 Commitments

This submittal contains no new or revised regulatory commitments. Any statements in this submittal are provided for information purposes and are not considered to be commitments.

4.3 Applicable Regulatory Requirements

10 CFR 50.10 (a) requires that no person within the United States shall transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, possess, or use any production or utilization facility except as authorized by a license issued by the Commission. 10 CFR 50.40 (c) requires that the issuance of a license to the applicant will not, in the opinion of the Commission, be inimical to the common defense and security or to the health and safety of the public. 10 CFR 140, Financial Protection Requirements and Indemnity Agreements, serves to provide appropriate procedures and requirements for determining: (a) The financial protection required of licensees and for the indemnification and limitation of liability of certain licensees and other persons pursuant to section 170 of the Atomic Energy Act of 1954, as amended; and, (b) The liability insurance required of uranium enrichment facility licensees pursuant to section 193 of the Atomic Energy Act of 1954, as amended. The analysis performed by NMC concludes that the proposed correction to License DPR-24 is appropriate for PBNP Unit 1 and is consistent with License DPR-27 for PBNP Unit 2.

NMC concludes that the proposed correction to License DPR-24 is in accordance with requirements of 10 CFR 50.10 (a); that operation of PBNP is not inimical to the common

defense and security or to the health and safety of the public as stated in 10 CFR 50.40 (c); and the applicable provisions of 10 CFR Part 140 continue to be satisfied. This correction reinstates findings that the Commission previously determined for PBNP Unit 1, which apply to both PBNP units as contained in the statement of the Commission's findings for PBNP Unit 2. The proposed change thus continues to be compliant with the above regulatory requirements.

5.0 ENVIRONMENTAL EVALUATION

NMC has determined that the information for the proposed amendment does not involve a significant hazards consideration, authorize a significant change in the types or total amounts of effluent release, or result in any significant increase in individual or cumulative occupational radiation exposure. Therefore, we conclude that the proposed amendment meets the categorical exclusion requirements of 10 CFR 51.22(c)(9) and that an environmental impact appraisal need not be prepared.

REVISED LICENSE DPR-24 PAGE

**PROPOSED CORRECTION TO LICENSE
POINT BEACH NUCLEAR PLANT, UNIT 1**

WISCONSIN ELECTRIC POWER COMPANY

NUCLEAR MANAGEMENT COMPANY, LLC

DOCKET NO. 50-266

FACILITY OPERATING LICENSE

License No. DPR-24
Amendment No.

The Atomic Energy Commission (the Commission) now the Nuclear Regulatory Commission having found that:

- a. The application for facility license filed by Wisconsin Electric Power Company and Wisconsin Michigan Power Company,* dated March 12, 1969, as amended by Supplements Nos. 1 through 10, thereto, dated September 2, 1969, January 19, 1970, February 11, 1970, March 13, 1970, April 2, 1970, April 7, 1970, April 21, 1970, June 5, 1970, June 17, 1970, and July 27, 1970, respectively, complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations set forth in 10 CFR Chapter 1; and
- b. Construction of the Point Beach Nuclear Plant Unit No. 1 (the facility) has been substantially completed, in conformity with Provisional Construction Permit No. CPPR-32, as amended, the application as amended, the provisions of the Act, and the rules and regulations of the Commission; and
- c. 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
- d. 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 regulations of the Commission set forth in 10 CFR Chapter 1; and
- e. NMC is technically qualified and Wisconsin Electric Power Company is financially qualified to engage in the activities authorized by this operating license, in accordance with the regulations of the Commission set forth in 10 CFR Chapter 1; and
- f. The applicable provisions of 10 CFR Part 140 have been satisfied; and
- g. The issuance of this license will not be inimical to the common defense and security or to the health and safety of the public.

* On December 31, 1977, Wisconsin Electric Power Company and Wisconsin Michigan Power Company (formerly the licensees) merged with Wisconsin Electric Power Company surviving the merger. This license, as amended, was amended, as of the effective date of the merger with Wisconsin Electric Power Company remaining as the licensee. Nuclear Management Company, LLC, hereinafter referred to as NMC, succeeds Wisconsin Electric Power Company as operator of the Point Beach Nuclear Plant, Unit 1. Consequently, NMC is authorized to act as agent for Wisconsin Electric Power Company and has exclusive responsibility and control over the physical construction, operation and maintenance of the facility.