

WISCONSIN PUBLIC SERVICE CORPORATION



P.O. Box 1200, Green Bay, Wisconsin 54305

September 2, 1980

Mr. James G. Keppler, Director  
Office of Inspection & Enforcement  
Region III  
U. S. Nuclear Regulatory Commission  
799 Roosevelt Road  
Glen Ellyn, IL 60137

Gentlemen:

Docket 50-305  
Operating License DPR-43  
Kewaunee Nuclear Power Plant  
IE Inspection Report 50-305/80-10

Reference: Your letter of August 7, 1980

In your letter of August 7, 1980, you noted that our response of July 14, 1980, to inspection report 80-10 did not include a description of the actions we have taken to assure that an event of this nature will not recur, as is required by Section 2.201 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations. While the regulations clearly state that corrective action statements be provided, it is obvious that such an action would be based upon concurrence with the NRC finding and definition of the issues. Whereas that was clearly not the case with the matter of IE Inspection Report 80-10 and issue was taken with the appropriateness of the NRC action as to the existence of a matter of enforcement, no response as to corrective action was appropriate.

It is agreed that the matter of partial loss of offsite power was not/is not a safety concern for the conditions which existed at the time of the event, a refueling shutdown mode.

Your letter indicated that the NRC does not advocate verbatim compliance with every procedure. The fact is that in the face of this issue, which is agreed to be without safety concern, verbatim conformance to procedures is being enforced. While we have agreed that an error occurred, we do not agree that safety was at issue during the event because of the error. While we are also concerned that similar errors could potentially occur in safety related matters, we do not agree that enforcement action is appropriate in activities

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beyond NRC purview, on the basis of potential future impacts by an assumed lack of procedure conformance. Our concern is indicated by the fact that the events concerning this matter have been reviewed with members of the plant staff with the specific intent to prevent similar occurrences.

With respect to the reportability of the automatic start of a diesel generator, we do not agree with the staff's contention that this is reportable under the provisions of 10 CFR 50.72, nor do we find any basis for that contention in the supplement to Information Notice 80-06 which was issued July 29, 1980. It is our opinion that the intent of 10 CFR 50.72 is very clear in requiring that "serious events that could result in an impact on the public health and safety" be reported to the NRC operations center within one hour. We do not see how the automatic start of one diesel generator, especially while the reactor is in a cold shutdown condition, can be construed as an event which could result in an impact on the public health and safety. Therefore, we maintain that the failure to report this event within one hour is not an item of non-compliance, and request that this non-compliance be retracted.

WPSC has always been and remains committed to the safe operation of the Kewaunee Nuclear Plant. We will continue to operate our plant in a conservative manner consistent with applicable rules and regulations, and will interpret those rules and regulations as they apply to our operation. We are concerned that enforcement actions on non-safety issues provide direct incentive to reduce administrative procedural requirements, which are well founded management practices; enforcement action beyond regulatory purview, if employed without discretion, is counter productive.

Very truly yours,

*E. R. Mathews*  
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E. R. Mathews, Vice President  
Power Supply & Engineering

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cc - Mr. Robert Nelson, NRC Resident Inspector  
RR #1, Box 999, Kewaunee, WI 54216