



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
799 ROOSEVELT ROAD
GLEN ELLYN, ILLINOIS 60137

TIC
8005120083

Q

April 16, 1980

Docket No. 50-266
Docket No. 50-301

Wisconsin Electric Power Company
ATTN: Mr. Sol Burstein
Executive Vice President
Power Plants
231 West Michigan
Milwaukee, WI 53201

Gentlemen:

This letter is in response to your letter of October 22, 1979, concerning unfettered inspector access to the plant and documents our discussions of this subject with you and members of your staff at the Point Beach site on April 8, 1980.

As you know, 10 CFR 50.70(b)(3) requires a licensee to afford an NRC inspector "immediate unfettered access, equivalent to access provided regular plant employees". As discussed in the April 8 meeting, this expanded regulatory requirement is focusing on the requirement to provide unescorted access by our resident inspectors any time of day or night. In actuality, they require access equivalent to the Operating Superintendent to perform the various duties assigned to them. Access on back shifts will be for inspection activities that will not normally require administrative support on your part. If you require a training program of reasonable duration or the presence of an escort during a reasonable site familiarization phase for your employees, NRC inspectors would be required by the current regulation to have equivalent training and escort. Since a limited number of our inspectors have already satisfied your requirements in these areas, I foresee no difficulties in meeting these requirements.

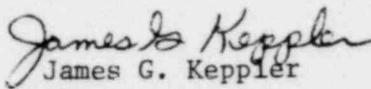
We recognize that most Region III office-based inspectors and supervisors do not spend enough time at the site to maintain familiarity with the plant. We believe it would be reasonable to badge these individuals for unescorted access (after appropriate training and plant familiarization) in uncontrolled areas such as the administration building, turbine building and control room.

Regarding indemnification concerning NRC inspectors and the Commission's liability, 10 CFR 50.70 has not changed 10 CFR 14.1 which provides a

mechanism for relief "caused by the negligent or wrongful act or omission of any employee of the Nuclear Regulatory Commission while acting within the scope of his office or employment".

If you still have concerns or wish to discuss this matter further, please call me.

Sincerely,


James G. Keppler
Director

Mr. G. A. Reed, Plant
Manager

Central Files

Reproduction Unit NRC 20b

PDR

Local PDR

NSIC

TIC

Sandra A. Bast, Lakeshore
Citizens for Safe Energy

Mr. John J. Duffy, Chief
Boiler Inspector, Department
of Industry, Labor and
Human Relations