



Wisconsin Electric POWER COMPANY
231 W. MICHIGAN, P.O. BOX 2046, MILWAUKEE, WI 53201

May 15, 1980

Mr. Harold R. Denton, Director
Office of Nuclear Reactor Regulation
U. S. NUCLEAR REGULATORY COMMISSION
Washington, D. C. 20555

Dear Mr. Denton:

DOCKET NOS. 50-266 AND 50-301
RADIOLOGICAL EFFLUENT TECHNICAL SPECIFICATION
POINT BEACH NUCLEAR PLANT UNITS 1 AND 2

On April 16, 1980 we received Mr. Schwencer's letter dated April 10, 1980, regarding your Staff's review of our Technical Specification Change Request No. 33 dated January 28, 1980. This change request proposed revisions and additions to the Technical Specification dealing primarily with radiological effluents to implement the provisions of Appendix I to 10 CFR Part 50. As discussed in the letter, we believe that the proposed changes satisfy the requirements of the Commission's Regulation as found in 10 CFR Sections 50.34a and 50.36a and Appendix I and provide assurance that releases of radioactive materials to unrestricted areas remain as low as is reasonably achievable. Your Staff has not questioned or commented on whether the proposed specifications meet this intent. Instead, the Staff has provided numerous and lengthy comments indicating we have not complied with the standard Radiological Effluent Technical Specifications (RETS).

We have reviewed the Staff's comments on our proposed changes. In general, it appears that the Staff has ignored our proposed changes and requires strict compliance with the standardized RETS guidance provided in the NUREG-0472 Revision 2 document. This is contrary to our understanding of this guidance. It is our understanding that the NUREG describes one acceptable method for implementing specific parts of the Commission's Regulations but not necessarily the only method. The NRC has consistently pointed out that licensees may propose alternate methods to achieve compliance which also may be acceptable. In your review letter, we find no discussion of any problems you may have identified with our alternative methods.

We are well aware that our specifications as proposed do not follow the standardized format or content for radiological effluent technical specification. Your letter and attachment have devoted considerable time to pointing out where our proposed format and content do not match those of RETS and repeatedly reference the guidance as "required". We do not believe that there is a regulatory basis for requiring these specific specifications.

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Wisconsin Electric's proposed specifications included lengthy sections for comparing the actual quantities of liquid and gaseous effluents with quantities which correspond to the design objectives set forth in the regulations. These sections were crossed out in the Staff's comments and were replaced by offsite dose equivalents as proposed in the standard RETS. Does this imply that the changes we proposed do not satisfy the requirements of the Commission Regulations as specified in 10 CFR Sections 50.34a and 50.36a and Appendix I?

Similarly, the Point Beach Radiological Environmental Monitoring Program, which was originally approved and issued by the NRC as license amendments 20 for Unit 1 and 25 for Unit 2 on September 23, 1976, is now characterized as "substantially lacking in technical content and licensing requirements." We are told to rework and resubmit the monitoring program using the standardized RETS with no basis established for this request, although we have proposed a number of sampling determinations in addition to our existing program.

If, in fact, it is the NRC's intent to dictate the only acceptable radiological technical specifications, the NRC should so state and establish the regulatory basis for this required format. We would then require 90 days to finish our review of your comments and resubmit the material in the form you have established. If the standard RETS is to serve as guidance only, and the intent of these specifications is to establish compliance with those Commission regulations mentioned previously, we then request that your Staff review our proposal. This review would be most helpful if it pointed out where our proposed specifications do not satisfy the regulations rather than where they do not conform with the standardized RETS. We can then proceed with redrafting our proposed Technical Specification Change Request No. 33, where necessary, to satisfy the requirements of the regulations. We look forward to your reply to our concerns in this matter and are willing to further discuss these issues with you if necessary.

Very truly yours,

C. W. Fay, Director
Nuclear Power Department