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(AIDS)

October 25, 1989

Docket Nos. 50-266; 50-301
License Nos. DPR-24; DPR-27
EA 89-174

Wisconsin Electric Power Company
ATTN: Mr. C. W. Fay
Vice President
Nuclear Power
231 West Michigan Street - P379
Milwaukee, WI 53201

Gentlemen:

SUBJECT: NOTICE OF VIOLATION (NRC INSPECTION REPORTS NO. 50-266/89022(DRSS)
AND NO. 50-301/89021(DRSS)

This refers to an Enforcement Conference conducted by Dr. Carl J. Paperiello, Deputy Regional Administrator, and other members of the NRC staff with Messrs. Edward J. Lipke, James J. Zach, and other members of your staff on September 6, 1989, at the Region III office in Glen Ellyn, Illinois. The conference was conducted to discuss apparent violations identified in NRC Inspection Reports No. 50-266/89022(DRSS) and No. 50-301/89021(DRSS) of activities at Point Beach Nuclear Plant, Units 1 and 2, authorized by NRC Operating Licenses No. DPR-24 and No. DPR-27. The inspection was conducted by Messrs. R. A. Paul and C. F. Gill of this office during the period July 25 through August 24, 1989.

The August 30, 1989 letter transmitting the above reports stated that we were evaluating appropriate enforcement actions for the apparent violations. The violations that were identified during this inspection are described in the enclosed Notice of Violation (Notice) and involve: (1) the failure to meet Technical Specification requirements regarding high radiation area entry control procedures and (2) the failure to comply with a TMI confirmatory order regarding the requirement to have a procedure to adequately measure inplant airborne radioiodine under predicated accident conditions.

The failure to meet the TMI requirement is of concern because, after you initially implemented the requirement, the procedure was cancelled without adequate review. Prior to revising or deleting procedures, it is imperative that you assure that the underlying purpose of the procedure is understood in order to avoid similar violations in the future. We are also concerned with the failure to control high radiation areas. On at least three occasions in April 1989, individuals apparently willfully entered areas posted as high

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radiation areas without authorization, and furthermore, these entries took place despite your corrective actions for similar violations that occurred in 1988.

A civil penalty is considered for a willful violation at any Severity Level. A civil penalty was considered in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1989) (Enforcement Policy). However, because you identified these entries and took prompt and extensive corrective action and because your performance in the area of concern has been good as indicated by the most recent SALP rating, the penalty is fully mitigated. Nevertheless, you should be aware that any further recurrence of these violations could be considered to represent a potentially significant lack of attention toward licensed responsibilities and subject to escalated enforcement action as a Severity Level III problem.

Based on statements made by your representatives at the conference, we understand that you will correct a weakness in your commitment tracking system for Confirmatory Orders for which Safety Evaluation Reports were not issued by NRC. We request that you inform us within 30 days of the date of this letter of your actions to correct this weakness, including your schedule for completion.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. After reviewing your response to this Notice, including your corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and its enclosures will be placed in the NRC Public Document Room.

The responses directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. No. 96-511.

October 25, 1989

We will gladly discuss any questions you have concerning this inspection.

Sincerely,

Carl Paperella for

A. Bert Davis
Regional Administrator

Enclosures:

- 1. Notice of Violation
- 2. Enforcement Conference Reports
 - No. 50-266/89028(DRSS);
 - No. 50-301/89027(DRSS)
- 3. Inspection Reports
 - No. 50-266/89022(DRSS);
 - No. 50-301/89021(DRSS)

cc w/enclosures:

- J. J. Zach, Plant Manager
- DCD/DCB (RIDS)
- Licensing Fee Management Branch
- Resident Inspector, RIII
- Virgil Kanable, Chief
- Boiler Section
- Charles Thompson, Chairman
- Wisconsin Public Service
- Commission
- R. I. Braund (SLO),
- WI Div. of Emergency Government
- Lawrence J. McDonnell, Chief
- Radiation Protection Section
- WI Department of Health and
- Social Services, Division
- of Health
- J. Lieberman, OE
- J. DelMedico, OE
- J. Goldberg, OGC
- J. Partlow, NRR

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