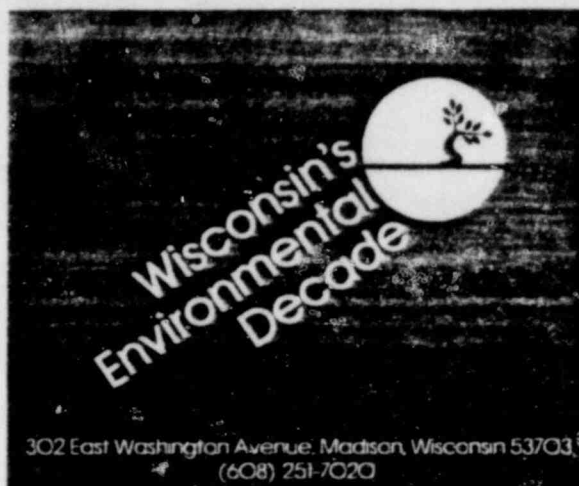


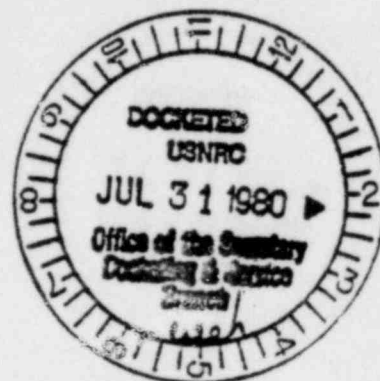
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July 26, 1980

Mr. Samuel J. Chilk, Secretary
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Re: Point Beach Nuclear Plant Unit 1
Docket 50-266

Dear Mr. Chilk:

Reference is made to Mr. Denton's memorandum to you, dated July 10, 1980, and received in this office on July 21, 1980, in which he requests the Commission to incorporate our request for hearing, dated May 29, 1980, to the Atomic Safety and Licensing Board with our prior requests for hearing.

This is to state our opposition to Mr. Denton's request on the following grounds.

Under the Commission's May 12, 1980, Order, the principles set forth in the Marble Hill case will limit consideration of our prior requests for hearings such as to exclude all significant safety issues. That Order, it is important to note, was entered with a bare three-to-two majority of the Commission existing at that time. Subsequently, the term of one of the Commissioners in the majority has expired and a new Commission now sits.

For these reasons, we believe that it is appropriate for the Commission to consider the issues we seek to raise anew, at least insofar as our most recent May 29 request for hearing is concerned. Summary referral without such consideration would clearly act to prevent the new Commission from exercising its will.

Therefore, we respectfully request that you provide the Commissioner's with the three documents which our May 29 request for hearing incorporates by reference and present the matter to the Commission for detailed consideration.

In the event the Commission has already adversely dealt with this matter prior to your receipt of this letter, we respectfully request reconsideration

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Mr. Samuel J. Chilk
July 26, 1980
Page 2

on the grounds that the Staff improperly delayed service of its July 10 memorandum on us until eleven days later. It should be noted that we have previously objected to the Staff's failure to serve us with pertinent documents to no avail. See, our letters dated February 11 and 26 and April 26, 1980, and Staff's letter dated April 21, 1980, copies of which are attached.

Sincerely,

WISCONSIN'S ENVIRONMENTAL DECADE, INC.

by *Kathleen M. Falk*

KATHLEEN M. FALK
General Counsel

KMF/mt
Enclosures(4)
cc: Gerald Charnoff, Esq.
Ellyn R. Weiss, Esq.

FILE
Wisconsin's
Environmental
Decade



February 11, 1980

U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Re: Point Beach Nuclear Plant Unit 1
Docket 50-266
(Steam Generator Tube Matter)

Gentlemen:

This is to raise four matters in the above-referenced proceeding.

First, we note that, notwithstanding the fact that we are to receive all pertinent documents in the above-matter, and have been repeatedly assured by the Commission Staff that we would, no copy of the Commission's Order Modifying Confirmatory Order of November 30, 1979, dated January 3, 1980, was duly served on us. Only later after I heard indirectly that some action has been taken and called several Commission Staff members to specifically request service of the document, was a copy finally sent to me under cover of a transmittal letter dated January 24, 1980, and received in my office on January 28, 1980. Thus, I did not receive the order until five days after the twenty days permitted to request a hearing had expired.

Second, we note that the requested reduction in primary pressure was approved in the above-mentioned order without first acknowledging or acting upon our Petition for Leave to Intervene and Petition for Hearing, dated November 26, 1979, on the licensee's request for approval of primary pressure reduction, and that no acknowledgement or action has been taken on it through the present.

Third, we note that no acknowledgement has been made nor action taken on our Request for Hearing on Confirmatory Order, dated December 17, 1979, through the present.

Fourth, we note that no copy of the licensee's December 9, 1979, letter to the Office of Nuclear Reactor Regulation was served upon us, and that we only received a copy of said letter indirectly last week. This is to formally request that we be informed in writing as to the impact of the letter as either interpreting or modifying the Commission's November 30, 1979 Confirmatory Order. If so, please specifically state in writing how it does so.

Sincerely,

WISCONSIN'S ENVIRONMENTAL DECADE, INC.

by *Kathleen M. Falk*

KATHLEEN M. FALK
General Counsel

RUPE 800 305 0263

IP

cc: Gerald Charnoff, Ellyn Weiss, Charles Trammell

FILE

Wisconsin's
Environmental
Decade



February 26, 1980

Mr. Harold R. Denton, Director
Office of Nuclear Reactor Regulation
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Re: Point Beach Nuclear Plant Units 1 & 2
Dockets 50-266 and 50-301

Gentlemen:

By letter dated February 11, 1980, to the Commission, we noted that we were not being served with pertinent documents by either the Staff or by the licensee in the above-referenced matter, notwithstanding our entitlement to receive them and repeated assurances by Staff that we would.

We have now just become aware indirectly of another ex parte letter from the licensee to NRR, dated January 31, 1980, not served upon us. This relates to a requested license amendment to reduce primary pressure in regard to which we have formally petitioned for a hearing in a Petition for Leave to Intervene and Petition for Hearing dated November 26, 1979.

This is to request that the Commission enforce its ex parte rules against the licensee and institute specific procedures to insure that future ex parte documents are not considered.

At the same time, we trust that the Commission will not rule on the licensee's request for pressure reduction in Unit 2 prior to acting on our November 26 petition which contested the request, as it improperly did for Unit 1.

Sincerely,

WISCONSIN'S ENVIRONMENTAL DECADE, INC.

by

KATHLEEN M. FALK
General Counsel

cc: Gerald Charnoff
Ellyn Weiss

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RECEIVED APR 22 4 1980

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

April 21, 1980

Kathleen M. Falk, Esq.
Wisconsin's Environmental
Decade, Inc.
302 Washington Avenue
Madison, Wisconsin 53703

In the Matter of
Wisconsin Electric Power Company
(Point Beach Nuclear Plant, Units 1&2)
Docket No. 50-266 & 50-301

Dear Ms. Falk:

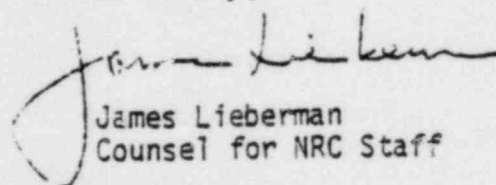
This is in reference to the correspondence concerning the service of papers pertaining to the steam generator question at the Point Beach Nuclear Plant, Units 1 and 2.

The Staff will continue to serve Decade with all papers filed by the Staff in either of these dockets pertaining to the steam generator matter.

As a result of your letters I have spoken to Mr. Charnoff. He has assured me that Wisconsin Electric Company will continue to serve Decade with all papers transmitted to the Commission, including papers sent to Region III, pertaining to the steam generator matter.

I trust that this will resolve any prior problems related to service of papers.

Sincerely,


James Lieberman
Counsel for NRC Staff

cc: Gerald Charnoff, Esq.
Marion Moe, Esq.
Ellyn Weiss, Esq.

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