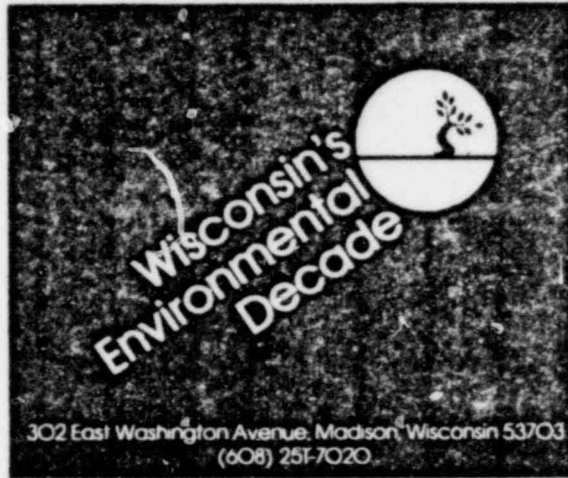


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 Atomic Safety and Licensing Board  
 U. S. Nuclear Regulatory Commission  
 Washington, D. C. 20555

Re: Wisconsin Electric Power Company  
 Docket 50-266  
 (Point Beach Nuclear Plant Unit 1)

Gentlemen:

This is to request permission to supplement our previous filings in support of an adjudicatory hearing on the matters enumerated in Petitioner's Preliminary Contentions based upon new information not previously in existence.

In accordance with the Staff's April 4, 1980 Modification of November 30, 1979 Order, in the above-referenced proceeding, Point Beach 1 was shut down for its 90 effective-full-power-day inspection of steam generator tubes on July 25, 1980. The April 4 Modification had required written approval from the Staff before the unit was permitted to return to service, as had the prior orders.

The Staff's November 30, 1979, January 3, 1980 and April 4, 1980 actions allowing restart had all been issued in the form of orders that, among other things: (1) required written approval from Staff before returning to service after the following inspection and (2) offered the right of an adjudicatory hearing on the action to an aggrieved party.

However, the Staff's action following the July-August 1980 inspection outage at Point Beach 1 marked an abrupt departure from this past practice that, we believe, is legally relevant to the question now before the Licensing Board.

For this time, instead of issuing an order similar to prior orders authorizing restart, requiring written approval before returning to service following the next inspection and offering the opportunity of an adjudicatory hearing, a letter dated August 8, 1980 was issued authorizing restart (a copy of which is attached), alluding to some informal understanding between Staff and Licensee about a future inspection

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UNITED STATES  
 NUCLEAR REGULATORY COMM  
 WASHINGTON, D. C. 20555  
 August 8, 1980

Docket No. 50-266

Mr. Sol Burstein  
 Executive Vice President  
 Wisconsin Electric Power Company  
 231 West Michigan Street  
 Milwaukee, Wisconsin 53201

Dear Mr. Burstein:

The NRC staff has reviewed the results of the Point Beach Unit No. 1, steam generator tubes inspection which was scheduled August 5, 1980 in accordance with the April 4, 1980 November 30, 1979 Order. Based on the results of that report, reasons stated in the attached Safety Evaluation Report, results are acceptable and, thus, it is not necessary to place a restriction on the resumption of operation of the Point Beach Plant, Unit No. 1.

We would like to emphasize that all the conditions of the November 30, 1980 Order and the January 3, 1980 Modifications to the November 30, 1980 Order remain in effect in accordance with their terms.

It is our understanding that Unit 1 will be removed from service for a refueling outage, and that during that outage, hydro and eddy current examinations of 100 percent of all unplugged steam tubes, will be performed. Pursuant to 10 CFR 50.54(f) we request that you provide the NRC, within 15 days of your receipt of this letter, and schedule for these steam generator tube inspections. Follow-up on staff's review of your proposed plans and schedule, consideration will be given to the necessity of issuing an Order confirming your program and modifying your program to establish additional requirements.

If you have any questions on this subject, please contact us.

Sincerely,

Edson G. Case, Acting Director  
 Office of Nuclear Reactor Regulation

Enclosure:  
 Safety Evaluation  
 cc w/enclosure:  
 See next page

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