



Wisconsin Electric POWER COMPANY
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LPOR

September 5, 1980

Mr. J. G. Keppler, Regional Director
Office of Inspection and Enforcement,
Region III
U. S. NUCLEAR REGULATORY COMMISSION
799 Roosevelt Road
Glen Ellyn, Illinois 60137

Dear Mr. Keppler:

DOCKET NOS. 50-266 AND 50-301
EMERGENCY NOTIFICATION SYSTEM (ENS) AND
HEALTH PHYSICS NETWORK (HPN)
POINT BEACH NUCLEAR PLANT UNITS 1 AND 2

Your letter of August 22, 1980 enclosed information related to the use of the Health Physics Network (HPN) and the Emergency Notification System (ENS) dedicated telephone networks.

The information regarding the HPN is helpful since the previous letter was primarily a description addressing the mechanical details of the system. Our present understanding is that the HPN is a dedicated telephone communications link for the principal purpose of use in emergencies to report health physics data. An alternate, but unlikely, use is for reporting the ENS and commercial telephone systems non-functional. It should be noted that while we believe our HPN is operational, we have not had occasion to use it and we are unaware of any NRC communications checkout taking place.

Regarding the information provided on the ENS, we are concerned that the enclosure to your August 22 letter could be interpreted to be a modification of the 10 CFR 50.72 amendments forwarded by your February 27, 1980 letter. As you know, that amendment specified 12 "Significant Event" reporting categories and the details of "red phone" reporting including the requirement that Significant Events 1 through 4 require the establishment of continuous communication. In order to comply with this regulation, information was added to the Point Beach Nuclear Plant Duty and Call Superintendents' Manual and other documents regarding event reporting. Subsequently, NRC IE Bulletin No. 80-15 added an additional requirement regarding "red phone" operability. Further changes were made to our plant instructions to address this contingency.

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The enclosure to your August 22 letter states that "if the event is of a more serious nature, the Duty Officer will maintain an open and continuous line with the site until the matter is resolved. Licensees are required to assign an individual to maintain continuous communication with the NRC staff member in the Operations Center until the NRC decides that the event has been successfully terminated or additional communication is unnecessary." Not only does this appear to allow the Duty Officer to modify the 10 CFR 50.72 regulations, it also provides a serious potential to divert plant operating personnel from coping with a plant anomaly. We hope you will agree with our position that the first and foremost responsibility of the licensed operators is to maintain the plant in a safe condition. We have informed our operators that this responsibility is to take priority over all other duties including that of reporting incidents. We are becoming increasingly concerned that discussions among plant personnel or between plant personnel and NRC resident inspectors regarding whether or not an event is reportable and in what time frame may divert attention from their principal operating responsibilities. While we fully understand the NRC's need and desire to be promptly and fully informed on any plant events which may adversely affect public health and safety, the tying up of key plant operating personnel during plant emergencies with reporting requirements which do not directly contribute to returning the plant to a safe condition is not in the best interests of the plant or the public.

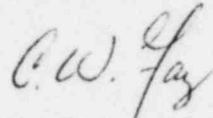
To summarize our position, it is not clear to us whether the information provided with your August 22 letter was intended to modify the previous directives of 10 CFR 50.72; if so, we believe that a specific modification to that regulation is appropriate to avoid conflicting requirements. On the other hand, if the recent information was not intended to modify 10 CFR 50.72, we believe that our previous response to that regulation is adequate. Therefore, pending additional clarification from the NRC, we intend to take no further action. However, as noted above, we understand the NRC's desire for information and would like to suggest that this desire can be satisfied without modification of the regulations or additional unnecessary burden to plant operating personnel by use of the resident inspector to "maintain continuous communication with the NRC staff member in the Operations Center" if the latter believes that such is desirable but not otherwise required of the Licensee by the regulations. In most cases, the inspector could report to the plant in a reasonably short interval of time, during which the operators would be free to analyze the situation and provide information to him on his arrival without inappropriate diversion from their duties.

The concerns expressed in this letter are similar to those provided in our letter of June 4, 1980 to Mr. Chilk. In that letter of comment on 10 CFR 50.72, we requested a written

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response to our questions regarding the new requirements. The supplemental information notice forwarded by your letter of July 29 provided clarification on some of the types of events to be reported in accordance with IE Information Notice 80-06 but did not address all of the issues raised in our June 4 letter, including the need to provide a current consolidated listing of reporting requirements to replace NRC Regulatory Guide 10.1 which was last revised in 1977. We urge that the current evaluation of the notification requirements of 50.72 referred to in the supplement to IE Information Notice 80-06 be expedited to resolve the numerous problems created by the existing situation.

Very truly yours,



C. W. Fay, Director
Nuclear Power Department

Copy to NRC Resident Inspector
Point Beach Nuclear Plant