



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION III  
799 ROOSEVELT ROAD

GLEN ELLYN, ILLINOIS 60137

November 10, 1980

Docket No. 50-266

Docket No. 50-301

Wisconsin Electric Power Company  
ATTN: Mr. Sol Burstein  
Executive Vice President  
Power Plants  
231 West Michigan Avenue  
Milwaukee, WI 53201

Gentlemen:

This acknowledges your letter dated September 10, 1980, responding to the apparent item of noncompliance identified in Inspection Report No. 50-266/80-12 and 50-301/80-12, forwarded to you by our letter dated August 22, 1980.

We have considered the points raised in your letter and have discussed them with our Fuels Facility and Materials Safety Branch. Our radiation specialist concurs in your position with respect to the second example, the sludge tank in the turbine building, and this item is hereby deleted as an example of noncompliance. For reasons outlined in the enclosure to this letter, we continue to conclude that item one constitutes an item of noncompliance. However, because of the minimum safety significance of the matter, the item of noncompliance has been reduced from an infraction to a deficiency.

Your corrective actions have been reviewed by our resident inspectors and our concerns have been resolved. Accordingly, this item is considered closed.

Your cooperation with us is appreciated.

Sincerely,

*[Signature]*  
R. F. Heishman, Chief  
Reactor Operations and  
Nuclear Support Branch

Enclosure: As stated

cc w/encl:

Mr. G. A. Reed, Manager  
Central Files  
Reproduction Unit NRC 20b  
AEOD

Resident Inspector, RIII  
PDR

Local PDR

NSIC

TIC

Sandra A. Bast, Lakeshore  
Citizens for Safe Energy

Mr. John J. Duffy, Chief

Boiler Inspector

Mr. Peter Anderson, Wisconsin's  
Environmental Decade

8011280 192

*[Handwritten mark]*

Enclosure

Report No. 50-266/80-12

50-301/80-12

The two events cited in the item of noncompliance have been reviewed by the resident inspectors and radiation specialists from the Region III Fuels Facility and Materials Safeguard Branch. For reasons outlined below item one is still considered to be an item of noncompliance; however, because of the minimum safety significance of the events, the noncompliance has been downgraded to a deficiency:

Item 1

Your procedure HP 2.1 states: "Normal entry to and exit from the Controlled Zone shall be through the two designated access points only." Section 2.7 of the procedure provides an exception to the above. It states: "Temporary access and exit points may be set up for construction activities as determined by the Health Physicist and the Manager-Nuclear Power." Based on the post-event evaluation, such a determination was not made prior to the entry. Although the worker did not go anywhere within the controlled zone inside the building, he did enter the roped off and designated controlled zone outside the building without using either of the two designated access points and without health physics personnel being present.

Our primary concern in this matter was the possibility of contaminated material being removed from the controlled area unknowingly. The individual removing the material was not present when health physics personnel surveyed the material and health physics personnel were not present when the material was being removed. When the material was surveyed, some of the material was found to have been contaminated to levels above that for unconditional release. Those pieces were separated from the clean material by about three feet but were not marked to indicate the contamination level or that they should not have been removed.

Before the job was completed, the presence of health physics personnel at the outside controlled zone, following a discussion with the resident inspector, provided assurance that contaminated material was not removed.