

February 16, 1982

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION '82 FEB 18 10:52

Before the Atomic Safety and Licensing Board

SECRETARY OF ENERGY
DOCKETING & SERVICE
BRANCH

In the Matter of)	
)	
WISCONSIN ELECTRIC POWER COMPANY)	Docket Nos. 50-266
)	50-301
(Point Beach Nuclear Plant,)	(OL Amendment)
Units 1 and 2))	

LICENSEE'S RESPONSE TO INTERVENOR'S
MOTION TO DISMISS THE APPLICATION IN PART

Decade's Motion To Dismiss The Application In Part," dated February 2, 1982 (postmarked February 3, P.M.) requests that the Board dismiss without prejudice that part of Licensee's application in this proceeding which requests authorization to perform repairs in the Unit 1 steam generators using sleeving techniques. In support of its motion, Decades cites the January 15, 1982 letter from counsel for Licensee to the Board (informing the Board of Licensee's decisions to proceed with full-scale sleeving of Unit 2 in spring 1983 and to commence replacement of the Unit 1 steam generators during the fall 1983 outage at that unit.) Decade also references the January 27, 1982 letter from counsel for Licensee to Decade, which responds to Decade's January 22, 1982 letter inquiry.

Licensee opposes Decade's motion. As counsel for Licensee emphasized in his January 27, 1982 letter, Licensee still plans to make "[r]epairs at either unit * * * as the situation indicates at any given time, consistent with applicable license

conditions." Thus, while full-scale sleeving of Unit 1 is not presently contemplated, further repair of those steam generators by sleeving may be required.^{*/} Decade is thus simply incorrect in its assertion that "the possibility of sleeving Unit 1 is no longer contemplated."

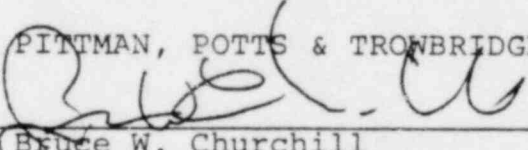
Considerations of judicial and administrative economy, as well as adjudicative efficiency, also militate against Decade's motion. The administrative review and adjudicative hearing of the application with respect to Unit 1 is virtually identical to those procedures for Unit 2. Thus--contrary to Decade's assertions--while the proposed severance of the application might well result in additional expenditure of judicial and administrative resources (on later review and possible hearings with respect to Unit 1), review and litigation of a consolidated application for both units at this time will require no duplication of administrative effort, either by the NRC Staff or the Board, and will not be unduly "time consuming and costly."

Accordingly, Licensee urges the Board to deny Decade's motion.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE

By


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Dated: February 16, 1982

^{*/} Indeed, although the Public Service Commission of Wisconsin ("PSCW") previously authorized Licensee to procure spare steam generators, the PSCW has not yet authorized Licensee to replace the Unit 1 steam generators.

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CERTIFICATE OF SERVICE

I hereby certify that copies of "Licensee's Response To Intervenor's Motion For Continuance" and "Licensee's Response To Intervenor's Motion To Dismiss The Application In Part" were served this 16th day of February, 1982 by deposit in the U.S. mail, first class, postage prepaid.


Delissa A. Ridgway

Dated: February 16, 1982

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