



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

July 10, 1980

MEMORANDUM FOR: Sameul J. Chilk  
Secretary to the Commission

FROM: Harold R. Denton, Director  
Office of Nuclear Reactor Regulation

SUBJECT: WISCONSIN ELECTRIC POWER COMPANY (POINT BEACH NUCLEAR  
PLANT, UNIT 1) ORDER - REQUEST FOR A HEARING

On April 4, 1980, an Order was issued to Wisconsin Electric Power Company for Point Beach Nuclear Plant, Unit 1 to permit the continued operation of the Point Beach facility under the conditions imposed by an Order issued November 30, 1979, for an additional 90 effective full power days. Wisconsin's Environmental Decade, Inc. has requested a hearing on the April 4 Order. This organization had previously requested a hearing on the November 30 Order. On May 12, 1980, the Commission referred the latter request for a hearing to an Atomic Safety and Licensing Board for a determination of whether a hearing was required based on the principles set forth in the Marble Hill case. Because the recent Point Beach Order is essentially an extension of the previous one, in that it permits continued operation of the facility under the conditions set forth in the November 30, 1979 Order, it seems appropriate for the Commission to forward this recent Decade request for a hearing to the Atomic Safety and Licensing Board for consideration in conjunction with the previous request.

A handwritten signature in cursive script that reads "Harold R. Denton".

Harold R. Denton, Director  
Office of Nuclear Reactor Regulation

Enclosures:  
As Stated

A large handwritten number "8007230372" is written inside an oval. To the right of the number are the initials "XA". There is also a small, illegible signature or mark below the number.

UNITED STATES OF AMERICA  
BEFORE THE NUCLEAR REGULATORY COMMISSION

POINT BEACH NUCLEAR PLANT UNIT 1  
DOCKET NO. 50-266

REQUEST BY WISCONSIN'S ENVIRONMENTAL DECADE, INC.  
FOR HEARING ON MODIFICATION OF NOVEMBER 30, 1979, ORDER

TO: EDSON G. CASE, Acting Director  
Office of Nuclear Reactor Regulation  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

PLEASE TAKE NOTICE that Wisconsin's Environmental Decade, Inc. ("Decade"), requests a hearing with regard to the Modification of November 30, 1979 Order, dated April 4, 1980, in the above-captioned matter, pursuant to the provision of said order which states in relevant part:

"Any person whose interest may be affected by this Order may within twenty days of the date of this Order request a hearing with respect to this Order."

In making this request, the following three documents in this docket previously filed with the Nuclear Regulatory Commission ("Commission") are hereby incorporated herein by reference as if set forth in full: (1) Request by the Decade for Hearing on Confirmatory Order and Memorandum in Support of Said Request, dated December 17, 1979; (2) Letter from K. M. Falk to H. R. Denton, dated January 8, 1980; and (3) Answer of the Decade in Opposition to Staff Motion to Deny Request for Hearing, dated February 22, 1980.

The affect of the instant order on the Decade and its members is as follows: The Commission's Confirmatory Order for Modification of License, dated November 30, 1979, states in relevant part at page 3:

"The licensee will not resume operation after the eddy current examinations required to be performed in accordance with condition 1(b) or 4 until the Director, Office of Nuclear Reactor Regulation, determine (sic) in writing that the results of such tests are acceptable."

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The Commission's Modification of November 30, 1979 Order, dated April 4, 1980, provides the written finding of acceptability to permit Point Beach Unit 1 to resume operation following the unit's 60 effective full power day shut down for inspection, as required in the Commission's November 30 Confirmatory Order, notwithstanding the continued existence of corrosion processes in the steam generators of the unit.

The Decade asserts the position of the American Physical Society that continued operation of pressurized water reactors with significant steam generator tube degradation is a serious safety problem that could cause essentially uncoolable conditions in the course of a loss-of-coolant-accident. It asserts this position on its own behalf and on behalf of its members who reside throughout the State of Wisconsin, including in proximity to the unit, and who would be adversely affected by such uncoolable conditions in terms of physical and psychological damage to their person and loss of value to their homes.

Therefore, the Decade and its members may be injured by the decision set forth in the Commission's April 4 Modification Order to permit Point Beach Unit 1 to resume operation with degraded steam generator tubes in the event the stated concern of the American Physical Society is correct.

DATED at Madison, Wisconsin, this 29th day of May, 1980.

WISCONSIN'S ENVIRONMENTAL DECADE, INC.

By: Kathleen M. Falk

KATHLEEN M. FALK  
General Counsel

302 East Washington Avenue  
Madison, WI 53703

Certification of Service:

1. Executive Legal Director
2. Gerald Charnoff, Esq.
3. Ellyn Weiss, Esq.