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VPNPD-90-493
NRC-90-123

December 17, 1990

Document Control Desk
U.S. Nuclear Regulatory Commission
Mail Station P1-137
Washington, DC 20555

Gentlemen:

10 CFR 50.12

DOCKETS 50-266 AND 50-301
REQUEST FOR SCHEDULAR EXEMPTION
SIMULATOR FACILITY CERTIFICATION
POINT BEACH NUCLEAR PLANT UNITS 1 AND 2

The Nuclear Regulatory Commission's regulations as specified in 10 CFR 55.45(b)(1) require that facility licensees may either apply for Commission approval for use of a simulation facility or they may certify that their simulator facility consists solely of a plant-referenced simulator. As we have discussed with members of the NRC staff at a meeting on June 10, 1990, and in our written correspondence dated February 28, 1990 (VPNPD 90-096), Wisconsin Electric Power Company, Licensee for the Point Beach Nuclear Plant, is in the process of procuring and certifying a plant specific simulator for the Point Beach facility. Section 55.45(b)(2)(iii) of the regulations requires that licensees proposing to certify a plant-referenced simulator provide such certification on a Form 474, "Simulator Facility Certification", by no later than 46 months after the effective date of the rule or March 26, 1991.

As discussed with the NRC staff during the June 10 meeting, it has always been the intent of Wisconsin Electric to use the Factory Acceptance Testing (FAT) of our plant-referenced simulator as the testing portion of our certification process. The FAT of the simulator was originally scheduled for a 90-day period beginning on September 3, 1990. Completion of the FAT in mid-December would have allowed us several months to analyze and document the test results and prepare the certification form. In addition, the simulator would have been on-site and ready for training by the March 26, 1991, certification date.

Unfortunately, due to delays in both hardware delivery and software development, we were not able to commence our FAT until October 9, 1990. This five week delay, of itself, would not have

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jeopardized our certification process. However, once the FAT began, the simulator itself did not perform at the level we had expected. Currently, approximately 30% of the acceptance tests we have attempted have failed. We have at this point instituted a number of remedial actions. We have augmented our staff at the simulator manufacturer's site by three people in order to better support test administration and documentation. We have increased our testing schedule from one shift a day, five days a week, to two shifts a day, six days a week. Although we have seen some positive results from these actions, the resolution of the test discrepancies and failures still requires the attention of expert vendor technical personnel. Additional resources of this nature have not been available. The vendors resources are further strained because, in addition to our simulator project, the vendor, Westinghouse Electric Corporation, has four other simulator projects in progress.

We have concluded that we will not be able to certify our simulator by the March 26, 1991, deadline because of our late testing start and the current performance level of the simulator. Accordingly, we are hereby requesting, pursuant to the provisions of 10 CFR 50.12, a temporary scheduler exemption to the requirements of 10 CFR 55.45(b)(2)(iii), for 120 days or until July 24, 1991.

Regulation 10 CFR 50.12(a) states that the Commission may grant exemptions from those requirements of the regulations which are authorized by law and will not present an undue risk to the public health and safety, and are consistent with the common defense and security. Paragraph (a)(2) of that section states that the Commission will not consider granting an exemption unless special circumstances are present. Among the special circumstances listed in that regulation is subparagraph (v). This item states, "(v) The exemption would provide only temporary relief from the applicable regulation and the licensee or applicant has made good faith efforts to comply with the regulation". We are presently projecting that our simulator FAT will be satisfactorily completed by mid-April 1991 and that the simulator will be ready-for-training on or about July 1, 1991. We therefore believe we will be ready to submit our certification package during July 1991. We would note that the initial operator examinations using our simulator have not been scheduled until September 1991. We do not anticipate any delay in administration of the simulator portion of these operator examinations due to this proposed delay in the simulator certification. Therefore, we do not anticipate the need to request exemption to the provisions of Section 55.45(b)(2)(iv) which require that, after May 26, 1991, the simulator facility

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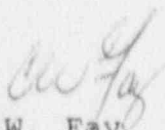
portion of the operating test be administered on a certified or approved facility.

As further evidence of the good faith effort Wisconsin Electric has expended to comply with these regulations and the scheduler requirements of 10 CFR 50.45(b), you should be advised that we began writing our specifications for purchase of a plant-referenced simulator in early 1986. This specification was completed and issued to prospective bidders in December 1986. Extensive negotiations were held with several qualified bidders during 1987 to further define our simulator project. The contract, or order for the facility, was ultimately let to Westinghouse on April 15, 1988.

Generic Letter 90-08, "Simulator Facility Exemptions," dated August 10, 1990, states that any deviations from the time requirements of 10 CFR 55.45(b) would be addressed on a case-specific basis and that facility licensees who believe they will not be able to meet the time requirements request exemptions as soon as possible. Accordingly, Wisconsin Electric Power Company, licensee for the Point Beach Nuclear Plant Units 1 and 2, hereby requests pursuant to the regulations at 10 CFR 50.12, a temporary exemption to the time requirements of 10 CFR 55.45(b)(2)(iii) to permit a delay in submittal of the certification for the Point Beach plant-referenced simulator until July 24, 1991. We believe this exemption is one that may be authorized by law, will not present an undue risk to the public health or safety, and is consistent with the common defense and security. We further believe that, as required by 10 CFR 50.12, we have demonstrated a good faith effort to otherwise comply with this regulation.

Please notify us of your decision in this matter at your earliest opportunity. Should you have any questions concerning this request or the information discussed herein, please let us know.

Very truly yours,


C. W. Fay
Vice President
Nuclear Power

Copy to: NRC Regional Administrator, Region III
NRC Resident Inspector