

March 14, 1996

Mr. Robert Link, Vice President
Nuclear Power
Wisconsin Electric Power Company
231 West Michigan Street - P379
Milwaukee, WI 53201

Dear Mr. Link:

This will acknowledge receipt of your letter dated January 25, 1996, in response to our letter dated December 26, 1995, transmitting a Notice of Violation (NOV) associated with Inspection Report Nos. 50-266/95013(DRP); 50-301/95013(DRP). In that response, you agreed that the Point Beach Technical Specifications were violated; however, you expressed a view that a different Technical Specification (TS) would have been more appropriate.

After careful review of the events and circumstances, the NRC has determined that while TS 15.6.8.3 would also have been appropriate, the violation was correctly cited. Our reasons are set forth below.

The violation involved concurrent performance of safeguards testing on both units although ORT 3A, "Safety Injection Actuation With Loss Of Engineered Safeguards AC Unit 2," revision 30, step 3.8 required that all other safeguards systems-related testing on both units be suspended during performance.

In your response to the violation, you stated that this event involved a failure to properly implement the temporary change process, rather than a violation of the Technical Specification requirements to operate and maintain the plant in accordance with approved procedures. You also stated in your response that taking exception to the initial condition prohibiting performance of a safeguards test on Unit 1 concurrent with ORT 3A did not change the intent of ORT 3A, nor does it violate the Technical Specifications in the manner implied by the Notice. You further stated that the safety evaluation did not specify the applicability or non-applicability of the initial conditions to this affected portion of ORT 3A.

The safety evaluation in effect at the time of the test, Safety Evaluation 95-113, dated November 3, 1995, specifically noted that the probability of occurrence of an accident previously evaluated in the PBNP FSAR was unaffected by the test due to the restrictions associated with the test (no other LCOs entered, no safeguards system work or testing, no fuel motion) and because Unit 2 was in cold or refueling shutdown. Because of this reliance on initial conditions to prevent raising the probability of an analyzed accident occurring, we have concluded that taking exception to step 3.8 of ORT 3A did change the intent of the initial conditions; consequently the plant was not operated in accordance with ORT 3A requirements when both tests were performed.

9603260039 960314
PDR ADOCK 05000266
G PDR

IEO/
10

R. Link

-2-

Nonetheless, we are both in agreement that a Technical Specification was violated and that corrective actions were in order. Based on the corrective actions that you documented in your response to the Notice, we have no further concerns with this issue and no additional response is required.

Should you have any further questions, please do not hesitate to contact me or the resident inspector staff.

Sincerely,

Original Signed by M. J. Farber

M. J. Farber, Chief
Reactor Projects Branch 6

Docket Nos. 50-266; 50-301

cc: G. J. Maxfield, Plant Manager
Virgil Kanable, Chief
Boiler Section
Cheryl L. Parrino, Chairman,
Wisconsin Public Service
Commission
State Liaison Officer

Distribution:

Docket File
PUBLIC IE-01
OC/LFDCB
IPAS (E-Mail)
A. B. Beach

SRI Point Beach
DRP
RIII PRR
RMB/FEES

DOCUMENT NAME: A:\95013PB.RSP

To receive a copy of this document, indicate in the box "C" = Copy without attach/encl "E" = Copy with attach/encl "N" = No copy

OFFICE	RIII	C	RIII	N			
NAME	O'Dwyer/co		Farber				
DATE	3/14/96		3/14/96				

OFFICIAL RECORD COPY

250102