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DEC 10 1992

Docket No. 50-266
Docket No. 50-301

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

Dear Mr. Link:

SUBJECT: POINT BEACH NUCLEAR FACILITY NOTICE OF VIOLATION (NRC INSPECTION
REPORTS NO. 50-266/92017(DRSS); 50-301/92017(DRSS))

This will acknowledge receipt of your letter dated October 26, 1992, in response to our letter dated September 25, 1992, transmitting a Notice of Violation associated with Inspection Report Nos. 50-266/92017 and 50-301/92017. We have reviewed your corrective actions and have no further questions at this time. These corrective actions will be examined during future inspections.

Although your response confirms the cited violations, it also indicated a concern that some portions of the Notice of Violation and Report Details did not accurately characterize the findings. We have reviewed your concern and concluded that the report did accurately characterize the issues with the exception that a date associated with one violation was misplaced.

Sincerely,

Cynthia D. Pederson, Chief
Rector Support Programs Branch

Enclosure: As Stated

cc w/enclosure:
G. J. Maxfield, Plant Manager
DCD/DCB (RIDS)
OC/LFDCB
Resident Inspector, RIII
Virgil Kanable, Chief
Boiler Section
Cheryl L. Parrino, Wisconsin
Public Service Commission
Robert M. Thompson, Administrator
WI Div of Emergency Govt.

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Original by Cynthia D. Pederson
Cynthia D. Pederson, Chief
Reactor Support Programs Branch

Enclosure: As Stated

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(See Attached Sheet)

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ENCLOSURE

1. Licensee Position: The inspection report characterized the violation as a failure of contract employees to conform to licensee security procedures. A review of the incident indicated personnel error as the cause of the violation.

NRC Response: We do not believe the report characterized the violation as a failure to conform to a licensee security procedure. The violation was caused by multiple individual errors and was so noted in the report.

2. Licensee Position: The inspection report noted a weakness concerning "poor" procedures. The licensee did not believe the use of the word "poor" was an accurate reflection of specific procedures in place.

NRC Response: Poor procedures referred to lack of written direction regarding two elements of the security power system. These two elements are identified in Section 5.b of the report details.

3. Licensee Position: Paragraph b. of the Notice of Violation states that the licensee received the information "on April 10 and April 15, 1992." In addition, the paragraph continues, "...no for-cause test was conducted until August 25, 1992." In fact, no for-cause test was conducted.

NRC Response: We agree that on April 10, 1992, the licensee did not receive the information. On April 10, 1992, the contractor, an agent of the licensee, received the information. We also agree no for-cause test was conducted. The phrase "until August 25, 1992" was misplaced and should have been used to modify that part of the sentence that states that the licensee did not act on the information. The sentence should have read: "The licensee did not act on the information until August 25, 1992 and no for-cause test was conducted."

4. Licensee Position: The inspection report identified the individual as a plant employee. However, the individual was a contractor.

NRC Response: The individual was employed at the plant as a contractor. Consequently, the phrase "plant employee" was used.

5. Licensee Position:

Page 9 of the inspection report states that it was confirmed, "...that the named plant employee used illegal drugs while employed at Point Beach." In fact, no one interviewed in the investigation who had a conversation with the individual ever attributed to the individual any direct statement of drug use while employed at PBNP. The statement said that the individual's bar conversation dwelled on the use of drugs by himself and by his girlfriend without reference to any specific time or place.

NRC Response:

Page 2 of your Investigation/Incident Journal, Report No. 069/92, stated that "the statements tend to indicate that the individual continued to use illegal drugs." Therefore, our conclusion as stated in the report was based on the results of your investigative conclusions.

6. Licensee Position:

The third paragraph on page 10 of the inspection report states, "The Corporate Security Representative did not document his evaluation and conclusions for granting access." Similarly, the last paragraph on page 10 of the inspection report states, "However, documentation of this decision was not done." The licensee believes that the Corporate Security Representative did document his evaluation and conclusion for granting access. All information was recorded and concluded with a judgement that it was not necessary to subject the individual to the licensee's Fitness for Duty (FFD) reinstatement procedures.

NRC Response:

We agree that all necessary screening information was adequately recorded. However, documentation did not indicate why the judgement to allow access concluded it was not necessary to subject the individual to the licensee's FFD/Access Authorization Reinstatement procedure.