

NOTICE OF VIOLATION

Wisconsin Electric Power Company
Point Beach Nuclear Plant
Units 1 and 2

Docket Nos.: 50-266; 50-301
License Nos.: DPR-24; DPR-27

During an NRC inspection conducted from January 5 through February 22, 1999, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

10 CFR Part 50, Appendix B, Criterion V, "Instructions, Procedures, and Drawings," requires, in part, that activities affecting quality be prescribed by documented procedures of a type appropriate to the circumstances.

Technical Specification 15.6.8.2.A requires, in part, that modifications to the intent of major procedures be reviewed and approved prior to implementation.

Technical Specification 15.6.8.3.A requires, in part, that temporary changes to major procedures which do not change intent be approved by one of the duty and call superintendents.

Contrary to the above, as of January 29, 1999, Operations Manual (OM) 3.7, "AOP [abnormal operating procedure] and EOP [emergency operating procedure] Procedure Sets Use and Adherence," Revision 5, a major procedure prescribing activities affecting quality, was not appropriate to the circumstances. Specifically:

- a. OM 3.7 allowed changes to AOPs and EOPs, via a process other than allowed by Technical Specifications 15.6.8.2.A and 15.6.8.3.A. These changes were referred to as procedure "deviations."
- b. An informal supplement to OM 3.7 entitled "Guidelines for Consistent Operations" directed operators to perform specific EOP steps in a manner other than as evaluated, written, and trained.

This is a Severity Level IV violation (Supplement I).

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was achieved are already adequately addressed on the docket in Inspection Report 50-266/99004(DRP). However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region III, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated this 10th day of March 1999