



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

November 15, 1999

Mr. Michael B. Sellman
Senior Vice President and
Chief Nuclear Officer
Wisconsin Electric Power Company
231 West Michigan Street
Milwaukee, WI 53201

SUBJECT: POINT BEACH NUCLEAR PLANT, UNITS 1 AND 2 RE: REVISIONS TO THE
UFSAR - PAST AND FUTURE COMPLIANCE WITH 10 CFR 50.71(e)(4)
(TAC NO. MA6801)

Dear Mr. Sellman:

Title 10 of the *Code of Federal Regulations* (10 CFR), Subsection 50.71(e)(4) specifies the schedule requirements whereby licensees are to submit revisions to their Updated Final Safety Analysis Reports (UFSARs). It requires revisions to be made "...annually or 6 months after each refueling outage provided the interval between successive updates does not exceed 24 months." In a 1997 survey, the NRC found numerous incidents of noncompliance by licensees of both single- and multi-unit plants with this schedule requirement. In many cases, licensees for multi-unit sites were basing their UFSAR submissions on the outage schedule of one unit.

We understand that some confusion about the proper interpretation of 10 CFR 50.71(e)(4) may have been caused by an NRC staff letter to Commonwealth Edison Company (ComEd) dated June 15, 1993, which endorsed a submission schedule proposed by ComEd for its plants. Neither ComEd's proposed schedule nor the staff's endorsement were in literal compliance with 10 CFR 50.71(e)(4). Nevertheless, many licensees adopted the staff position expressed in the June 15, 1993, letter and thus deviated from the schedule requirements of this regulation. Recently, the staff granted exemptions to the ComEd plants. The transmittal letter for the exemptions (D. Skay to O. D. Kingsley, dated July 27, 1999) states that "this [Skay] letter and the enclosed exemptions supersede our letter of June 15, 1993."

We note that you have not requested a schedule exemption to 10 CFR 50.71(e)(4) for Point Beach. This may indicate that either you intend to comply with the correct interpretation of the regulation, or you may have incorrectly interpreted the regulation in the past. The purpose of this letter is to clarify any misunderstanding of this regulation. The NRC will exercise enforcement discretion, in accordance with Section VII.B.6 of the NRC Enforcement Policy, for any incidents of past violation of 10 CFR 50.71(e)(4). In the future, the schedule requirements will be enforced as prescribed, or as modified by an exemption for Point Beach.

NRC FILE CENTER CAP

PDR ADOCK

DF01

There is no need to respond to this letter. If you have any questions, please call me at 301-415-1355.

Sincerely,

Original signed by C.F. Lyon for:

Beth A. Wetzel, Senior Project Manager, Section 1
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-266 and 50-301

cc: See next page

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There is no need to respond to this letter. If you have any questions, please call me at 301-415-1355.

Sincerely,

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Beth A. Wetzel, Senior Project Manager, Section 1
Project Directorate III
Division of Licensing Project Management
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M. Sellman

- 2 -

There is no need to respond to this letter. If you have any questions, please call me at 301-415-1355.

Sincerely,

A handwritten signature in black ink, appearing to read "Beth A. Wetzel".

Beth A. Wetzel, Senior Project Manager, Section 1
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-266 and 50-301

cc: See next page

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cc:

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Units 1 and 2

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