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Gentlemen:

DOCKETS 50-266 AND 50-301
RESPONSE TO NOTICE OF VIOLATION AND CONCERNS
INSPECTIONS REPORT 50-266/93015(DRP) AND 50-301/93015(DRP)
POINT BEACH NUCLEAR PLANT, UNITS 1 AND 2

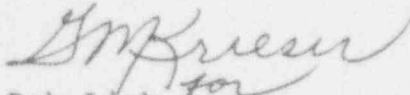
In a letter from Mr. L. R. Greger dated December 23, 1993, the Nuclear Regulatory Commission forwarded to Wisconsin Electric Power Company, licensee for the Point Beach Nuclear Plant, the results of a routine safety inspection performed by Messrs. K. R. Jury and J. Gadzala from October 26 through December 6, 1993. The inspection reports, 50-266/93015(DRP) and 50-301/93015(DRP), included a Notice of Violation (NOV). The Notice describes a violation of the reporting requirements of 10 CFR 50.72, "Immediate notification requirements for operating nuclear power reactors." The letter also identified one other concern related to a shutdown time requirement in the PBNP Technical Specifications and requested we provide our proposed plans and schedule for addressing this concern.

We have reviewed this NOV and, pursuant to the provisions of 10 CFR 2.201, have prepared a written response of explanation concerning the identified violation. Our written response is included as an attachment to this letter. Our written response to the concern is also attached.

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If you have any questions or require additional information regarding either of these matters, please contact us.

Sincerely,


Bob Link
Vice President
Nuclear Power

Attachments

cc: NRC Regional Administrator, Region III
NRC Resident Inspector

RESPONSE TO NOTICE OF VIOLATION

WISCONSIN ELECTRIC POWER COMPANY
POINT BEACH NUCLEAR PLANT, UNITS 1 AND 2
DOCKETS 50-266 AND 50-301
LICENSE NOS. DPR-24 AND DPR-27

During a routine safety inspection performed by Messrs. K. R. Jury and J. Gadzala from October 26 through December 6, 1993, one violation of NRC requirements was identified. The identified violation was classified as a Severity Level V. Inspection Report Nos. 50-266/93015(DRP) and 50-301/93015(DRP) and the Notice of Violation (NOV) transmitted to Wisconsin Electric on December 23, 1993, provide details regarding the violation.

In accordance with the instructions provided in the NOV, our reply to the alleged violation includes: (1) the reason for the violation; (2) corrective action taken; (3) corrective action to be taken to avoid further violations; and (4) the date when full compliance will be achieved.

VIOLATION

10 CFR 50.72(b)(1)(i)(A) requires that the licensee notify the NRC within one hour of the occurrence of the initiation of any nuclear plant shutdown required by the plant's technical specifications.

Contrary to the above, on December 3, 1993, the licensee did not report the initiation of a nuclear plant shutdown required by Technical Specification 15.3.0.A.

RESPONSE TO VIOLATION

1. REASON FOR VIOLATION

On December 2, 1993, at 2256 hours CST, with one of two emergency diesel generators removed from service for maintenance, it was discovered the other emergency diesel generator (EDGs) was also inoperable. This event is documented in Licensee Event Report 93-009-00, for Point Beach Nuclear Plant Units 1 and 2. With both emergency diesel generators (EDGs) inoperable, the shutdown requirements of Specification 15.3.0.A apply, which requires placing both units in the hot shutdown condition within three hours. Upon determining that at least one of the EDGs would not be returned to an operable condition within this 3-hour time limit, a load reduction on both units was commenced at 0057 hours CST. The power reduction was subsequently suspended at 0137 hour CST with NRC Region III concurrence and one EDG returned to

an operable condition at 0230 CST. At that time the shutdown requirements of Specification 15.3.0 were no longer applicable.

A 3-hour notification to the NRC was made at 2253 CST in accordance with 10 CFR 50.72(b)(2)(iii)(D), "Any event or condition that alone could have prevented the fulfillment of the safety function of structures or systems that are needed to mitigate the consequences of an accident." A subsequent 1-hour report based on the initiation of the power reduction was not made.

Guidance on the interpretation of the regulations in 10 CFR 50.72 is provided to our Duty and Call Superintendents and operators in DCS 2.1.1, "REQUIREMENTS AND GUIDANCE FOR IMMEDIATE NOTIFICATION TO NRC/EPA OF 'SIGNIFICANT EVENTS' AT PBNP." The revision of this procedure in effect at the time of the event provided this interpretation of shutdown in relation to 10 CFR 50.72(b)(1)(i)(A):

"Note that in some cases this could be an Unusual Event. The definition of shutdown is the opening of the generator output breaker or the taking of the reactor subcritical. Something that is found while the unit is in hot shutdown and requires the unit to go to cold shutdown may be a 3-hour report."

Over time, this came to be interpreted to imply that the "initiation of a shutdown" commenced when action was taken to open the generator output breaker or take the reactor subcritical if operating at low power at the time of the event.

This explanation was added to DCS 2.1.1 with Revision 21 on December 21, 1987, and resulted from an event that occurred with a unit in hot shutdown in early 1987. In the discussions that ensued on event reportability, documented in the Manager's Supervisory Staff (on-site review committee) Meeting 87-02 minutes, dated March 9, 1987, it was determined that the event was not reportable under either 10 CFR 50.72(b)(1)(i)(A) or 10 CFR 50.73(a)(2)(i)(A) since commencing or completing a plant shutdown, respectively, pertained only to a reactor which was initially in an on-line condition at the time of the event. This determination was made recognizing that a mode change from hot shutdown to cold shutdown may still be required by an applicable Technical Specification requirement. The staff decided to include this interpretation in DCS 2.1.1.

This discussion was incompletely incorporated into DCS 2.1.1, Revision 21, resulting in the inaccurate interpretation and failure to make the required 1-hour report the December 3, 1993.

2. CORRECTIVE ACTION TAKEN

Upon discussions with the NRC resident inspectors and recognizing that the interpretation in DCS 2.1.1 was in error, a temporary procedure change to DCS 2.1.1 was issued on December 9, 1993, which defined the initiation of a shutdown as the commencement of a power rampdown with the intent of taking a unit off line.

3. CORRECTIVE ACTION TO BE TAKEN TO AVOID FURTHER VIOLATIONS

The temporary procedure change issued on December 9, 1993, was subsequently incorporated permanently into DCS 2.1.1 with Revision 35, on December 21, 1993. The following explanation was added:

"For reporting purposes, the phrase 'initiation of any nuclear plant shutdown' is the performance of any action to start reducing reactor power to achieve an operational condition that requires the reactor to be subcritical as a result of a TS requirement. Something which is found while the unit is in hot shutdown and requires the unit to go to cold shutdown may be a 4-hour report."

4. DATE WHEN FULL COMPLIANCE WILL BE ACHIEVED

Full compliance was achieved with the issuance of Revision 35 to procedure DCS 2.1.1, on December 21, 1993.

RESPONSE TO CONCERN

WISCONSIN ELECTRIC POWER COMPANY
POINT BEACH NUCLEAR PLANT, UNITS 1 AND 2
DOCKETS 50-266 AND 50-301
LICENSE NOS. DPR-24 AND DPR-27

In a letter from Mr. L. R. Greger dated December 23, 1993, the Nuclear Regulatory Commission forwarded to Wisconsin Electric Power Company, licensee for the Point Beach Nuclear Plant, the results of a routine safety inspection performed by Messrs. K. R. Jury and J. Gadzala from October 26 through December 6, 1993. The inspection reports, 50-266/93015(DRP) and 50-301/93015(DRP), identified a concern with the time allowed, 3 hours, to place one or both operating units in a hot shutdown condition Technical Specification 15.3.0. As requested, this is our response to the concern.

Section 3.c of the inspection report indicates that our Specification 15.3.0 "could be improved to allow a more orderly and safe shutdown of both units." The report also indicates that "the inspectors discussed with the plant management the necessity for a change to allow more time for a more orderly shutdown."

Specification 15.3.0 was added to the PBNP Technical Specifications by Amendments 50 and 56 to licenses DPR-24 and DPR-27, respectively, on June 21, 1981. Licensees were requested by the staff in a letter dated April 10, 1980, to propose specifications similar to those implemented by these amendments.

We had identified in January of last year, following an event which would have necessitated the simultaneous shutdown of both PBNP units, the desirability of a change to Specification 15.3.0 to allow additional time for each unit to reach hot shutdown. Although we believe the shutdowns can be safely completed in the time allowed by the current Specification, additional time would allow the operators to perform a more orderly shutdown of both units. We reviewed the guidance in the Standard Technical Specifications for Westinghouse reactors and determined that up to seven hours, vice the three allowed by the PBNP Specifications, could be justified. Accordingly, at that time plans were made to request a change to this Specification. Since this change was not necessary to ensure the safe operation of Point Beach, immediate action was not taken to draft and submit an amendment request.

The need for this change was prioritized by the plant staff on May 18, 1993, along with other identified desired changes to our Technical Specifications compiled by our licensing engineers.

Three other desired changes, including one necessary to allow start-up of PBNP Unit 1 following its spring refueling outage in June 1993 were determined to be higher priority.

A draft change to Specification 15.3.0, consistent with the Standard Technical Specification requirements, was initiated in September 1993 and submitted to our Duty and Call Superintendents and Duty Shift Superintendents for review in October 1993. Comments were resolved and a final proposed change submitted to the Manager's Supervisory Staff and approved on January 5, 1994. The supporting documentation for the change is being put in final form. We expect to submit our proposed change by January 28, 1993.

The NRC resident inspectors will be kept informed of the status of the proposed change.