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July 28, 1997

Mr. S. A. Patulski
Site Vice President
Point Beach Nuclear Plant
Wisconsin Electric Power Company
6610 Nuclear Road
Two Rivers, WI 54241

SUBJECT: NOTICE OF VIOLATION (NRC INSPECTION REPORTS 50-206/97008(DRS;
50-301/97008(DRS))

Dear Mr. Patulski:

This will acknowledge receipt of your letter dated July 8, 1997, in response to our letter dated June 9, 1997, transmitting a Notice of Violation associated with: (1) unauthorized entry by a painter into several areas which were posted as high radiation areas; and (2) the failure to provide training for contract health physics hazardous material workers in accordance with Department of Transportation requirements. We have reviewed your corrective actions and have no further questions at this time. These corrective actions may be examined during future inspections.

Sincerely,

Original Signed by John A. Grobe

John A. Grobe, Acting Director
Division of Reactor Safety

Docket Nos. 50-266; 50-301
Licenses No. DPR-24; DPR-27

Enclosure: Ltr dtd 7/8/97 S. A. Patulski
Point Beach to USNRC

See Attached Distribution

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S. A. Patulski

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July 28, 1997

cc w/o encl: R. R. Grigg, President and
Chief Operating Officer, WEPCo
A. J. Cayia, Plant Manager

cc w/encl: Virgil Kanable, Chief, Boiler Section
Cheryl L. Parrino, Chairman,
Wisconsin Public Service Commission
State Liaison Officer

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**Wisconsin
Electric**
POWER COMPANY

Point Beach Nuclear Plant
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NPL 97-0404

10 CFR 2.201

July 8, 1997

Document Control Desk
U. S. NUCLEAR REGULATORY COMMISSION
Mail Station P1-137
Washington, DC 20555

Ladies/Gentlemen:

DOCKETS 50-266 AND 50-301
REPLY TO A NOTICE OF VIOLATION
NRC INSPECTION REPORT NOS. 50-266/97008 AND 301/97008
POINT BEACH NUCLEAR PLANT, UNITS 1 AND 2

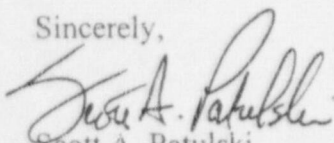
In a letter from Mr. John A. Grobe dated June 9, 1997, the Nuclear Regulatory Commission forwarded the results of an inspection conducted by Messrs. K. Lambert and R. Paul of your staff at our Point Beach Nuclear Plant between May 5-9, 1997. This inspection report included a Notice of Violation which identified two violations of NRC requirements.

We have reviewed the Notice of Violation and, pursuant to the provisions of 10 CFR 2.201, have prepared a written response to Violation 2, which is included as an attachment to this letter. Your letter indicates that we are not required to respond to Violation 1 unless the description does not accurately reflect our corrective actions or our position. Violation 1 is appropriately and accurately characterized. Therefore, we do not have any clarification or further information to provide regarding Violation 1.

We believe that the attached reply is responsive to the Notice of Violation and fulfills the requirements identified in your June 9, 1997, letter.

If you have any questions or require additional information regarding this response, please contact me.

Sincerely,


Scott A. Patulski
Site Vice President

Attachment

cc: NRC Regional Administrator
NRC Resident Inspector

DOCKETS 50-266 AND 50-301
REPLY TO A NOTICE OF VIOLATION
NRC INSPECTION REPORT 50-266/97008 AND 50-301/97008
POINT BEACH NUCLEAR PLANT UNITS 1 AND 2

During an inspection conducted between May 5-9, 1997, two violations of NRC requirements were identified. Inspection Report 50-266/97008 and 50-301/97008 and the Notice of Violation (Notice) transmitted to Wisconsin Electric on June 9, 1997, provide details regarding the violations.

The NRC inspection report indicated that unless Violation 1 does not accurately reflect Wisconsin Electric's corrective actions or our position, we are not required to reply to this Notice of Violation since the information previously provided in our letter of May 2, 1997, in response to Inspection Reports 50-266/97004 and 50-301/97-004 adequately addresses this violation.

Violation 1 is appropriately and accurately characterized. Therefore, we do not have any clarification or further information to provide regarding Violation 1.

Violation 2

10 CFR 71.5(a) requires that a licensee who transports licensed material outside of the site of usage, as specified in the NRC license, or where transport is on public highways, or who delivers licensed material to a carrier for transport, comply with the applicable requirements of the regulations appropriate to the mode of transport of the Department of Transportation (DOT) in 49 CFR Parts 170 through 189.

49 CFR 172.702 requires that each hazmat employer ensure that each hazmat employee is trained and tested, and that no hazmat employee performs any function subject to the requirements of 49 CFR parts 171-177 unless trained, in accordance with Subpart H of 49 CFR 172, or works under the direct supervision of a properly trained hazmat employee. The terms Hazmat Employer and Hazmat Employee are defined in 49 CFR 171.8.

49 CFR 172.704(c)(2) requires that a hazmat employee receive the training required by Subpart H of 49 CFR Part 172 at least once every three years.

Contrary to the above, since 1991, the licensee has not provided training for its contract health physics technician hazmat employees as required by Subpart H to 49 CFR Part 172, and the licensee otherwise meets the definition of hazmat employer in 49 CFR 171.8.

This is a Severity Level IV violation (Supplement 1).

Reason for Violation 2

The violation occurred as a result of management failure to ascertain that the contract health physics technologists had received hazmat training prior to being assigned radwaste duties. This situation continued until recently identified because contract health physics technologist recurrent training needs had not been included on the continuing training schedule.

Corrective Actions Taken:

1. All radwaste transportation-related activities being performed by contract health physics technologists were curtailed until they were under the direct supervision of personnel who had received the proper training within the required periodicity.
2. A condition report (CR 97-1540) was issued to document the event.
3. A review by the licensee radwaste supervisor determined there were no concerns associated with the adequacy of previous radioactive materials shipments associated with packaging, loading, bracing, or overall transportation safety.
4. This violation was discussed during a meeting held between health physics management and the contract health physics site coordinator.
5. The two current contract health physics technologists who are assigned to radwaste duties received training on the requirements of 49 CFR 172 Subpart H on May 24, 1997. Following completion of the training, an examination was administered and both of the tested individuals passed the examination. Training records are maintained in accordance with established records retention requirements.
6. Subsequent to the above training, the materials used in the training were formalized into a training lesson plan. LP 2598, "DOT Hazmat," Revision 0, issued on July 7, 1997.
7. Contract health physics technologists have been included in the health physics continuing training program. This will ensure that contract health physics technologists receive the same continuing training as the licensee-employed health physics technologists.
8. The continuing training schedule has been revised to address long-term training and qualification needs of contract health physics technologists.
9. The continuing training schedule is being maintained as a living document. This will ensure that training requirements having an established periodicity will be appropriately addressed in the future.

Corrective Actions to be Taken:

There are no additional corrective actions planned at this time.

Date Full Compliance Will be Achieved:

Full compliance was achieved on May 24, 1997, upon satisfactory completion of training for the contract health physics technologist assigned to radwaste duties.