

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

MAR 19 1979

In the Matter of )  
)  
Wisconsin Public Service ) Docket No. 50-305  
Corporation, )  
Wisconsin Power and Light ) License No. DPR-43  
Company, )  
Madison Gas and Electric )  
Company )

REQUEST FOR HEARING

Pursuant to the rules promulgated by the Nuclear Regulatory Commission, 10 C.F.R. §2.205(d) the above named Licensees hereby request a hearing to review the "Order Imposing Civil Penalties" dated February 16, 1979 sent to Licensees under cover letter dated February 22, 1979 of John G. Davis, Acting Director, Office of Inspection and Enforcement.

Dated this 15th day of March, 1979.

Steven E. Keane  
David A. Baker

By David A. Baker  
Attorneys for Licensees

OF COUNSEL

FOLEY & LARDNER  
777 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202  
(414) 271-2400

*Pup*  
7904130129

D R A F T

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of

Wisconsin Public Service Corp.  
(Kewaunee Nuclear Power Plant)

)  
)  
)  
)

Docket No. 50-305  
License No. DPR-43

NOTICE OF HEARING

Wisconsin Public Service Corporation, Green Bay, Wisconsin, is the holder of License No. DPR-43 which authorizes the company to operate the Kewaunee Nuclear Power Plant. The license was issued originally on December 21, 1973 and will expire on August 6, 2008.

On July 19, 1978, the Acting Director of Inspection and Enforcement, pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282) and 10 CFR 2.205 of the Commission's regulations, served on the Licensee a Notice of Violation together with a Notice of Proposed Imposition of Civil Penalties. The Notice of Proposed Imposition of Civil Penalties, incorporating by reference the Notice of Violation, alleged that the Licensee was responsible for three separate items of noncompliance which were violations of the Commission's regulations and license conditions and set forth the civil penalty to be assessed for each violation. These alleged violations were based on the results of an inspection of licensed activities on May 3-5 and 18 and June 5, 1978, particularly with regard to a personnel exposure that occurred in the reactor cavity on May 2, 1978.

The Licensee sent an answer dated August 10, 1978, to the Notice

of Proposed Imposition of Civil Penalties. In response to the Licensee's answer, the Acting Director of Inspection and Enforcement withdrew one item of noncompliance and served the Licensee with an amended Notice of Violation and amended Notice of Proposed Imposition of Civil Penalties by letter dated December 7, 1978. The Licensee responded to the amended Notices in a letter dated January 2, 1979. After due consideration of the Licensee's response, the Acting Director issued an Order Imposing Civil Penalties on February 22, 1979, in the total amount of seven thousand dollars (\$4,000 for Item 1 and \$3,000 for Item 2). By letter dated March 15, 1979, the Licensee requested a hearing.

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Title 10, Code of Federal Regulations, Part 2, notice is hereby given that a hearing will be held before \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ of the Atomic Safety and Licensing Board, at a time and place to be set by the Board.

The issues before the Board to be considered and decided shall be:

- (a) Whether the Licensee committed violations of the technical specifications of License No. DPR-43 designated as Items 1 and 2 in the Notice of Violation issued to Licensee; and
- (b) Whether the Order Imposing Civil Penalties as it relates to Items 1 and 2 in the Notice should be sustained.

A prehearing conference will be held by the Board, at a date and place to be set by the Board, to consider pertinent matters in accordance

with the Commission's Rules of Practice. The date and place of hearing will be set at or after the prehearing conference and noticed in the Federal Register.

Pursuant to 10 CFR 2.705, an answer to this Notice may be filed by the Licensee not later than twenty (20) days from the date of publication of this Notice in the Federal Register.

Required papers may be filed by mail or telegram addressed to the Secretary of the Commission, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555, Attention: Chief, Public Proceedings Staff, or by delivery to the Commission's Public Document Room, 1717 H Street, N. W., Washington, D. C. 20555. A copy of papers filed should also be sent to the Executive Legal Director, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555.

Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission. Pursuant to 10 CFR 2.785, the Commission authorizes an Atomic Safety and Licensing Appeal Board to exercise the authority and perform the review functions which would otherwise be exercised and performed by the Commission. The Appeal Board will be designated pursuant to 10 CFR 2.787, and notice as to membership will be published in the Federal Register.

FOR THE NUCLEAR REGULATORY COMMISSION

---

Samuel J. Chilk  
Secretary to the Commission

Dated in Washington, D. C.  
this \_\_\_\_ day of \_\_\_\_\_, 1979.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of

Wisconsin Public Service Corporation  
(Kewaunee Nuclear Power Plant)

}  
}  
}  
Docket No. 50-305  
License No. DPR-43

CERTIFICATE OF SERVICE

I hereby certify that copies of NOTICE OF HEARING in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or, as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, this \_\_\_\_ day of \_\_\_\_\_, 1979.

\*  
Atomic Safety and Licensing Board  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Steven E. Keane  
David A. Baker  
Counsel for Licensee  
FOLEY & LARDNER  
777 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202

\*  
Atomic Safety and Licensing Board  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Docketing and Service Section\*  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

\*  
Atomic Safety and Licensing Board  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

James P. Murray \*  
James Lieberman  
Stephen G. Burns  
Counsel for NRC Staff  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

\_\_\_\_\_  
Office of the Secretary of the Commission