



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

OFFICE OF THE
SECRETARY

May 1, 1979

Director
Office of the Federal Register
National Archives and Records Service
Washington, D.C. 20403

Dear Sir:

Enclosed for publication in the Federal Register are an original
and two certified copies of a document entitled:

WISCONSIN PUBLIC SERVICE CORPORATION

Docket No. 50-305

NOTICE OF HEARING

Please publish on Monday, May 7, 1979.

This material is to be charged to requisition number E-146.

Sincerely,

Samuel J. Chilk
Secretary of the Commission

Enclosures:
Original and 2 certified copies

bcc: ~~Records Facility Branch~~
Office of Public Affairs
Executive Legal Director
Office of Congressional Affairs
Office of the General Counsel
SECY - C&R Branch

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 Administrative Law Judge Ivan W. Smith, at a time and place to be set by Judge Smith.

The issues for Judge Smith to consider and decide 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 Judge Smith at a date and place to be set by him, 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, DC, 20555, Attention: Chief, Docketing and Service Branch or by delivery to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, 20555. A copy of papers filed should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, DC, 20555.

Pending further order of Judge Smith, 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 of the Commission

Dated at Washington, DC,
this 30 day of April 1979.