

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ADMINISTRATIVE LAW JUDGE

In the Matter of )  
 ) Docket No. 50-305  
WISCONSIN PUBLIC SERVICE CORPORATION ) License No. DPR-43  
(Kewaunee Nuclear Power Plant) )

AGREEMENT BETWEEN THE STAFF AND LICENSEE  
CONCERNING THE KEWAUNEE CIVIL PENALTY PROCEEDING

1. The NRC Staff and the Licensee have reevaluated their respective positions and the evidence and correspondence in this proceeding and have come to the following conclusions:

- A. The parties agree that the pre-monitoring survey was performed inadequately to discover the actual radiation field present in the reactor cavity, and a continuous high level monitoring instrument was not carried into the reactor cavity by the person making the entry.
- B. The Licensee agrees that it is responsible for the acts of its employees and agents in carrying out license activities and in complying with its license conditions and procedures.

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C. Contrary to any impression which may have been conveyed in prior correspondence in this civil penalty proceeding, the NRC Staff has found that the radiation safety history of the Kewaunee facility together with consideration of the incident at issue indicates that the incident was an isolated act and not a general reflection of the management or personnel of the company, the licensee's radiation safety program, and the licensee's attitude toward safety and the significance of the incident. The licensee agrees that the incident was significant.

D. Both parties agree that entering into a reactor cavity, especially during refueling when thimbles have been withdrawn, requires careful and complete surveys because of the potential for severe radiation exposure.

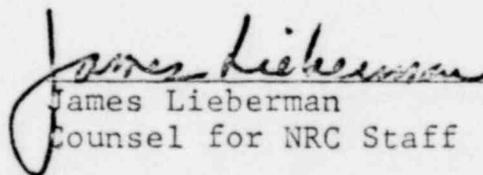
2. The Licensee acknowledges that IE Circular Number 76-03 was issued prior to this incident notifying the Licensee of potential dangers involved in a reactor cavity entry. The Licensee recognizes that the potential exposures

associated with reactor cavity entry are significant. However, the Licensee recommends that a supplemental circular be issued concerning entry into reactor cavities in the interest of alerting other licensees of the circumstances surrounding the Kewaunee incident including the variation of radioactive field intensities. The Staff will consider the Licensee's recommendation.

3. The Staff has reviewed the corrective action submitted by the Licensee in response to the terms of non-compliance and have found them adequate, subject to future inspections.

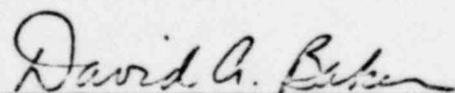
4. The Licensee, while still contending the imposition of a civil penalty to be inappropriate, because of the resolution of the matters set forth above, agrees to pay the civil penalty and to withdraw its request for a hearing.

Respectfully submitted,

  
James Lieberman  
Counsel for NRC Staff

Steven E. Keane  
David A. Baker

Dated at Bethesda,  
Maryland, this 5th  
day of July, 1979

By   
David A. Baker  
Attorneys for Wisconsin Public  
Service Corporation

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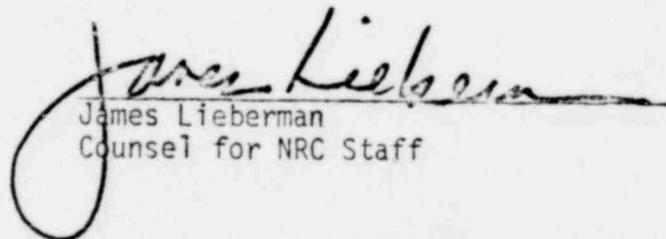
CERTIFICATE OF SERVICE

I hereby certify that copies of the JOINT STAFF AND LICENSEE MOTION TO TERMINATE CIVIL PENALTY PROCEEDING and the AGREEMENT BETWEEN THE STAFF AND LICENSEE CONCERNING THE KEWAUNEE CIVIL PENALTY 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 5th day of July, 1979.

Honorable Ivan W. Smith \*  
Administrative Law Judge  
Atomic Safety and Licensing Board  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Steven E. Keane, Esq.  
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Docketing and Service Section \*  
Office of the Secretary  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

  
James Lieberman  
Counsel for NRC Staff