



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

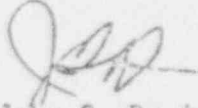
DEC 01 1978

MEMORANDUM FOR: James H. Sniezek
FROM: John G. Davis
SUBJECT: WISCONSIN PUBLIC SERVICE CORPORATION CIVIL
PENALTY CASE

I recently have reviewed the civil penalty for Wisconsin Public Service Corporation. As I recall the case, the necessity for changing the civil penalty hinged on a legal interpretation that no item of noncompliance resulted because of the failure to perform a survey. Consequently, as Part 20 is worded, from the purely legalistic viewpoint, IE was unable to sustain a citation for failure to survey because whatever actions the licensee took were sufficient in this particular case to assure compliance with Part 20. As the letter to Wisconsin Public Service Corporation indicates, we believe that this compliance was the result of circumstance rather than of care on the part of the licensee.

Since this matter has come up, it appears that the wording of Part 20 thwarted IE efforts to establish an item of noncompliance. I will appreciate it if you will assure that appropriate actions are taken to amend the regulations so that failure of the licensee to meet that which is intended regarding survey can be established in a straight forward manner.

If you desire to discuss this matter, please let me know. I will appreciate information from you as to the action you intend to take with regard to this memorandum. Please reply by December 18.


John G. Davis

cc: J. G. Keppler, R-III
S. E. Bryan, X005