

UNITED STATES
NUCLEAR REGULATORY COMMISSION

In the Matter of

Dairyland Power Cooperative
LaCrosse Boiling Water Reactor

)
)
)
)
)

Docket No. 50-409
License No. DPR-45
EA 81-80

ORDER IMPOSING A CIVIL MONETARY PENALTY

I

Dairyland Power Cooperative (the "licensee") is the holder of Operating License No. DPR-45 (the "license") issued by the Nuclear Regulatory Commission (the "Commission"). The license authorizes operation of the LaCrosse Boiling Water Reactor. The facility is located at the licensee's site in Genoa, Wisconsin. The license was issued on August 28, 1973.

II

As a result of an inspection of the licensee's facility by the Nuclear Regulatory Commission's Office of Inspection and Enforcement during the period May 1-31, 1981, the NRC staff determined that a pressure sensing line from the Containment Building had been modified. The installation of this modification resulted in the temporary disablement of the automatic (high containment pressure) actuation signal for three safety-related components. The NRC served the licensee a written Notice of Violation and Notice of Proposed Imposition of Civil Penalty by letter dated October 22, 1981. The Notice stated the nature of the violations, the provisions of the Nuclear Regulatory Commission regulations, and the amount of the civil penalty proposed. The licensee responded with a letter dated December 23, 1981, with enclosures, to the Notice of Violation and Notice of Proposed Imposition of Civil Penalty.

III

Upon consideration of Dairyland Power Cooperative's response (December 23, 1981) and the statements of fact, explanation, and argument in denial or mitigation contained therein as set forth in the Appendix to this Order, the Director of the Office of Inspection and Enforcement determined that a civil penalty for the violation designated in the Notice of Violation should be imposed. However, after consideration of the circumstances surrounding this event the amount of the civil penalty has been reduced.

IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2282, P1 96-295, and 10 CFR 2.205, IT IS HEREBY ORDERED THAT:

The licensee pay a civil penalty in the total amount of \$25,000 within thirty days of the date of this Order, by check, draft, or money order payable to the Treasurer of the United States and mailed to the Director of the Office of Inspection and Enforcement.

V

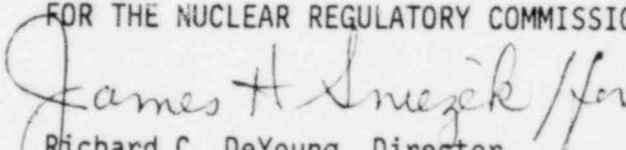
The licensee may within thirty days of the date of this Order request a hearing. A request for a hearing shall be addressed to the Director, Office of Inspection and Enforcement, USNRC, Washington, D.C. 20555. A copy of the hearing request shall be sent to the Executive Legal Director, USNRC, Washington, D.C. 20555. If a hearing is requested, the Commission will issue an Order designating the time and place of hearing. Should the licensee fail to request a hearing within thirty days of the date of this Order, the provisions of this Order shall be effective without further proceedings and, if payment has not been made by that time, the matter may be referred to the Attorney General for collection.

VI

In the event the licensee requests a hearing as provided above, the issues to be considered at such a hearing shall be:

- (a) whether the licensee was in violation of the Commission's regulations as set forth in the Notice of Violation referenced in Section II above, and
- (b) whether on the basis of such violation the Order should be sustained.

FOR THE NUCLEAR REGULATORY COMMISSION


Richard C. DeYoung, Director
Office of Inspection and Enforcement

Dated at Bethesda, Maryland
this 18th day May 1982