

OCT 04 1979

Docket Nos. 50-329
50-330

MEMORANDUM FOR: James G. Keppler, Director, Region III

FROM: George C. Gower, Acting Executive Officer for
Operations Support, IE

SUBJECT: ENFORCEMENT ACTION RELATED TO MIDLAND DIESEL GENERATOR
BUILDING AND PLANT FILL AREAS (A/I F30487H1)

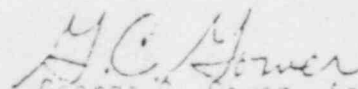
This refers to your memorandum to H. D. Thornburg dated April 3, 1979. You requested that five items be reviewed to determine whether or not they involved material false statements.

Based on several meetings between IE, NRR, and ELD, item 1 in Attachment 1 of your letter is considered a material false statement. Items 2-5 in Attachment 1 are not considered material false statements; these four items should be treated as items of noncompliance as you presented in Attachment 2. The Headquarters review is summarized in a memorandum from H. D. Thornburg dated September 27, 1979; a copy is enclosed.

A proposed civil penalty package should be prepared and forwarded to X00S for action. We recommend following the format use in the D. C. Cook case. The letter to the licensee would have three appendices. Appendix A would be a Notice of Violation related to the material false statement. Appendix B would be a Notice of Proposed Imposition of Civil Penalties. Appendix C would be another Notice of Violation specifying the four infractions found during the Region III investigation. Based on the information presented, we do not believe that the four infractions to be included in Appendix C meet the civil penalty criteria and, therefore, would not carry monetary penalties.

We understand that you plan to have a meeting at Headquarters in the near future to discuss other actions that may be taken with regard to the Midland facility.

This memorandum closes Action Item F30487H1.



George C. Gower, Acting Executive Officer
for Operations Support
Office of Inspection and Enforcement

Enclosure:
(See next page)

8401230651 831101
PDR FOIA
WINSLOW83-589 PDR

Enclosure:

Memo from HDThornburg
ctd 9/27/7

cc w/enclosure:

D. Thompson, IE

G. W. Reinmuth, RCI

D. S. Hood, NRR

T. W. Brockett, XGOS