

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of
NEBRASKA PUBLIC POWER DISTRICT
P. O. Box 499
Columbus, Nebraska 68601-0499

) Docket No. 50-298
) License No. DPR-46
) EA 86-44

ORDER IMPOSING CIVIL MONETARY PENALTY

I

Nebraska Public Power District (licensee) is the holder of License No. DPR-46 issued by the Nuclear Regulatory Commission (NRC). License No. DPR-46 authorizes the generation of power using nuclear material and is due to expire on June 4, 2008.

II

An inspection of the licensee's activities under its license was conducted on July 29 - August 2 and August 12-16, 1985. As a result of the inspection, it appeared that the licensee had not conducted its activities in full compliance with NRC requirements. The results of the inspection were discussed with licensee representatives during an enforcement conference held in the Region IV office in Arlington, Texas on December 17, 1985. A written Notice of Violation and Proposed Imposition of Civil Penalties was served upon the licensee by letter dated April 28, 1986. This Notice stated the nature of the violations, requirements of the NRC that the licensee had violated, and the amount of civil penalties proposed. The licensee responded to the Notice of Violation and Proposed Imposition of Civil Penalties by letter dated May 28, 1986.

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Upon consideration of the licensee's response and the statements of fact, explanation, and arguments for remission or mitigation of the proposed civil penalties contained therein, as set forth in the Appendix to this Order, the Director, Office of Inspection and Enforcement has determined that Violation I.B and the associated \$25,000 proposed penalty should be withdrawn. However, the NRC concludes that Violation I.A occurred as stated and the licensee's request for mitigation of the associated civil penalty is not warranted. Accordingly, a civil penalty in the amount of Twenty-Five Thousand Dollars (\$25,000) should be imposed.

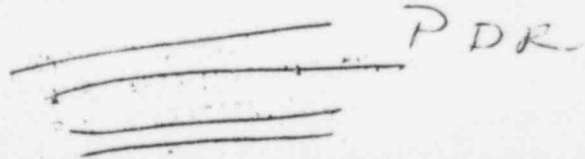
. III

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

The licensee pay a civil penalty in the amount of Twenty-Five Thousand Dollars (\$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, Office of Inspection and Enforcement, USNRC, Washington, D.C. 20555.

IV

The licensee may, within thirty days of the date of this Order, request a hearing. A request for hearing shall be addressed to the Director, Office of

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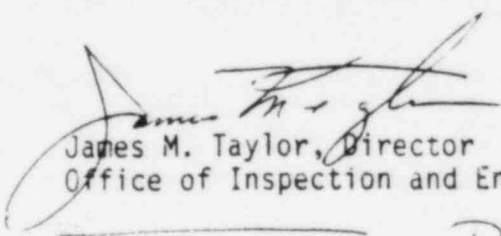
Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of any request for hearing shall also be sent to the Assistant General Counsel for Enforcement, Office of the General Counsel, at the same address. If a hearing is requested, the Commission will issue an Order designating the time and place of hearing. Upon failure of the licensee 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.

V

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

- (a) whether the licensee violated NRC requirements as set forth in the Notice of Violation and Proposed Imposition of Civil Penalty, referenced in Section II above, and
- (b) whether, on the basis of such violations, this Order should be sustained.

FOR THE NUCLEAR REGULATORY COMMISSION


James M. Taylor, Director
Office of Inspection and Enforcement

Dated at Bethesda, Maryland,
the 10th day of October 1986.


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