

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Vermont Yankee Nuclear Power Corporation
Vermont Yankee Nuclear Power Station

Docket No. 50-271
License No. DPR-28
EA 85-105

An NRC special safety inspection was conducted on August 9, 1985 to review the circumstances associated with an unplanned occupational radiation exposure of approximately 1.3 rem to the whole-body of a Chemistry-HP Technician performing a survey in the Traversing Incore Probe room. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1985), the Nuclear Regulatory Commission proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954, as amended ("Act"), 42 U.S.C. 2282, PL 96-295 and 10 CFR 2.205. The violation and associated civil penalty are set forth below:

10 CFR 19.12 requires that all individuals working in or frequenting any portion of a restricted area shall be kept informed of the storage, transfer, or use of radioactive materials or of radiation and shall be instructed in the health protection problems associated with exposure to such radiation and in precautions or procedures to minimize exposure.

Contrary to the above, on August 8, 1985, a Chemistry-HP Technician (technician) was given approval by HP supervision to enter a restricted area (the TIP room area where radiation levels of 1000 R/hr or higher existed) to perform surveys where there was a known potential for unusually high exposure rates, and the technician was not instructed by HP supervision in precautions to take and procedures to follow to minimize exposure. The technician was not instructed as to the location to make an initial exposure rate measurement and a level at which to terminate the survey or provided appropriate alternative instructions.

This is a Severity Level III violation (Supplement IV)
Civil Penalty - \$50,000.

Pursuant to the provisions of 10 CFR 2.201, Vermont Yankee Nuclear Power Corporation is hereby required to submit to the Director, Office of Inspection and Enforcement, USNRC, Washington, D.C. 20555, with a copy to this office, within 30 days of the date of this Notice, a written statement or explanation, including for each alleged violation: (1) admission or denial of the alleged violation, (2) the reasons for the violation if admitted, (3) the corrective steps which have been taken and the results achieved, (4) the corrective steps which will be taken to avoid further violations, and (5) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, the Director, Office of Inspection and Enforcement, may issue an order to show cause why the license should not be modified, suspended, or revoked or why such other action as may be proper should not be taken. Consideration may be given to extending the response time for good cause shown. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, the response shall be submitted under oath or affirmation.

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Within the same time as provided for the response required above under 10 CFR 2.201, Vermont Yankee Nuclear Power Corporation may pay the civil penalty by letter addressed to the Director, Office of Inspection and Enforcement, with a check, draft, or money order payable to the Treasurer of the United States in the cumulative amount of Fifty Thousand Dollars (\$50,000) or may protest imposition of the civil penalty in whole or in part, by a written answer addressed to the Director, Office of Inspection and Enforcement. Should Vermont Yankee Nuclear Power Corporation fail to answer within the time specified, the Director, Office of Inspection and Enforcement, will issue an order imposing the civil penalty in the amount proposed above. Should Vermont Yankee Nuclear Power Corporation elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty, such answer may: (1) deny the violation listed in this Notice in whole or in part, (2) demonstrate extenuating circumstances, (3) show error in this Notice, or (4) show other reasons why the penalty should not be imposed. In addition to protesting the civil penalty in whole or in part, such answer may request remission or mitigation of the penalty.

In requesting mitigation of the proposed penalty, the five factors contained in Section V.B of 10 CFR Part 2, Appendix C, should be addressed. Any written answer in accordance with 10 CFR 2.205 should be set forth separately from the statement or explanation in reply pursuant to 10 CFR 2.201, but may incorporate parts of the 10 CFR 2.201 reply by specific reference (e.g. citing page and paragraph numbers) to avoid repetition. Vermont Yankee Nuclear Power Corporation's attention is directed to the other provisions of 10 CFR 2.205, regarding the procedure for imposing a civil penalty.

Upon failure to pay any civil penalty due which has been subsequently determined in accordance with the applicable provisions of 10 CFR 2.205, this matter may be referred to the Attorney General, and the penalty, unless compromised, remitted, or mitigated may be collected by civil action pursuant to section 234c of the Act, 42 U.S.C. 2282.

FOR THE NUCLEAR REGULATORY COMMISSION

Original signed by
Thomas E. Murley
Thomas E. Murley
Regional Administrator

Dated at King of Prussia, Pennsylvania
this 22nd day of October 1985