

June 14, 2007

EA-07-088

Mr. Theodore A. Sullivan
Site Vice President
Entergy Nuclear Operations, Inc.
Vermont Yankee Nuclear Power Station
320 Governor Hunt Road
Vernon, VT 05354

SUBJECT: NRC OFFICE OF INVESTIGATIONS REPORT NO. 1-2006-052 (VERMONT
YANKEE NUCLEAR POWER STATION)

Dear Mr. Sullivan:

This letter refers to the investigation initiated by the U. S. Nuclear Regulatory Commission's (NRC) Office of Investigations (OI) on September 1, 2006, at your Vermont Yankee Nuclear Power Station (Vermont Yankee), after you informed the NRC that a contract radiation protection technician (RPT) allowed an auxiliary operator (AO) to enter a locked high radiation area (LHRA) on August 17, 2006, without first performing a survey of that area. The OI investigation was initiated to determine if the RPT deliberately failed to complete the required surveys of the LHRA prior to permitting the AO to enter the area.

As a result of the investigation, the NRC confirmed the results of your independent investigation that the technician did not perform a survey to establish radiological conditions in the LHRA prior to allowing access to an AO. Specifically, on August 17, 2006, the RPT did not perform a survey of the reactor water clean up room following the completion of a resin transfer to establish the current radiological conditions, and to ensure occupational dose limits would not be exceeded. The RPT's actions resulted in a violation of 10 CFR 20.1501, which requires that each licensee make, or cause to be made, surveys that may be necessary for the licensee to comply with the regulations in Part 20, including Part 20.1201, occupational dose limits.

The NRC further determined that the technician's actions were willful, in careless disregard for the requirements. Specifically, despite the fact that the RPT was hampered in his assessment of the job task by not being originally assigned to the job, based on his training, 31 years of experience, and procedural knowledge, there was sufficient evidence to indicate he willfully violated the survey requirements and caused Vermont Yankee to be in violation of NRC regulations.

Because you are responsible for the actions of your employees, including contract employees, and because the violation was willful, the violation was evaluated under the NRC traditional enforcement process as set forth in Section IV.A.4 of the NRC Enforcement Policy. The NRC concluded that the violation, absent willfulness, would be considered minor, because the

exposure from this incident did not result in the individual's occupational dose limits being exceeded. However, the NRC increased the severity level to Severity Level IV because the technician's actions were willful. The current NRC Enforcement Policy is included on the NRC's website at <http://www.nrc.gov>; select **About NRC, Regulation, Enforcement**, then **Enforcement Policy**.

The NRC considered issuance of a Notice of Violation for this issue. However, after considering the factors set forth in Section VI.A.1 of the NRC Enforcement Policy, the NRC determined that a non-cited violation (NCV) is appropriate in this case because: (1) you initially identified the violation and promptly informed the NRC of the occurrence; (2) the violation involved the acts of an individual who was not a supervisor in your organization; (3) the violation appeared to be an isolated action of the employee without management involvement and was not caused by a lack of management oversight; and (4) you took significant remedial action commensurate with the significance of the event such that it demonstrated the seriousness of the violation to other employees and contractors. Although the technician received no supervision leading up to and during his task, the NRC concluded that the violation was not attributable to a lack of management oversight, because it was reasonable to expect that an RPT with 31 years of experience would not need significant oversight to perform this task.

A response to this letter is not required. However, if you contest this NCV or its significance, you should provide a response within 30 days of the date of this letter, with the basis for your denial, to the U.S. Nuclear Regulatory Commission, ATTN.: Document Control Desk, Washington, D.C. 20555-0001, with copies to the Regional Administrator, Region I; the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001; and the NRC Resident Inspector at the Vermont Yankee facility.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and your response, if you choose to provide one, will be available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS) accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response, if you choose to provide one, should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction.

Should you have any questions regarding this letter, please feel free to contact Mr. Raymond Powell at 610-337-6967.

Sincerely,

/RA/

David C. Lew, Director
Division of Reactor Projects

Docket No. 50-271
License No. DPR-28

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/RA/

David C. Lew, Director
Division of Reactor Projects

Docket No. 50-271
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*concurrence via e-mail from DStarkey

**see previous concurrence page

cc:

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G. Sachs, President/Staff Person, c/o Stopthesale
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