

APPENDIX B

NOTICE OF PROPOSED IMPOSITION OF A CIVIL PENALTY

Union Carbide Corporation

Docket No. 50-54
70-687

This office proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954, as amended, (42 USC 2282), and to 10 CFR 2.205 in the amount of Three Thousand Dollars (\$3,000) for the specific item of noncompliance set forth in Appendix A to the cover letter. In proposing to impose a civil penalty pursuant to this section of the Act and in fixing the proposed amount of the penalty, the factors identified in the Statements of Consideration published in the Federal Register with the rule making action which adopted 10 CFR 2.205 (36 FR 16894) August 26, 1971; the "Criteria for Determining Enforcement Actions," which was sent to NRC licensees on December 31, 1974; and the "Criteria for Enforcement Action for Failure to Comply with 10 CFR 71," which was sent to NRC licensees on December 3, 1979, have been taken into account.

Union Carbide Corporation may, within twenty (20) days of receipt of this notice pay the civil penalty in the amount of Three Thousand Dollars (\$3,000) or may protest the imposition of the civil penalty in whole or in part by a written answer. Should Union Carbide Corporation fail to answer within the time specified, this office will issue an order imposing the civil penalty in the amount proposed above. Should Union Carbide Corporation elect to file an answer protesting the civil penalty, such answer may (a) deny the item of noncompliance listed in the Notice of Violation in whole or in part, (b) demonstrate extenuating circumstances, (c) show error in the Notice of Violation, or (d) 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. 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 by specific reference (e.g., giving page and paragraph numbers) to avoid repetition.

Union Carbide Corporation's attention is directed to the other provisions of 10 CFR 2.205 regarding, in particular, failure to answer and ensuing orders; answer, consideration by this office, and ensuing orders; requests for hearings, hearings and ensuing orders; compromise; and collection.

Upon failure to pay any civil penalty due which has been subsequently determined in accordance with the applicable provisions of 10 CFR 2.205, the 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 Atomic Energy Act of 1954, as amended (42 USC 2282).