



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406

OCT 24 1990

Docket No. 50-309

Mr. Charles D. Frizzle, President
Maine Yankee Atomic Power Company
83 Edison Drive
Augusta, Maine 04336

Dear Mr. Frizzle:

On July 13, 1990, I sent you a letter and Notice of Violation for violations of NRC requirements associated with an event at the Maine Yankee facility involving a lack of adequate radiological control of work activities at your facility. The violations and the associated event, which included elevated dose rates and unplanned radiation exposure, had been discussed during an enforcement conference on June 27, 1990.

At the enforcement conference, you contended that the NRC should exercise enforcement discretion and not issue a Notice of Violation because, in part, the violations were licensee-identified. In my July 13, 1990 letter transmitting the notice, I stated that the exercise of enforcement discretion in this case was not appropriate since "the violations were clearly self-identifying in that the workers, who had received the unplanned, unmonitored radiation exposures, personally informed radiological controls personnel that they were receiving radiation exposure that was not being properly monitored by their dosimetry."

While the NRC continues to maintain that the exercise of enforcement discretion was not appropriate in this case, the explanation provided in my July 13, 1990 letter was incorrect. Contrary to my letter of July 13, the NRC does consider the problems to be licensee-identified. The NRC wishes to encourage licensee identification and correction of problems to the maximum extent possible, whether through formal audit and oversight programs or other forms of identification, including identification of problems which may be considered "self-identifying".

In this case, the problems were identified by Maine Yankee through your representatives who were contractor personnel. Since they notified radiological controls personnel of their concerns about higher than expected radiation doses in their work area, the violations were licensee-identified.

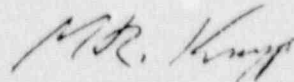
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With regard to the use of enforcement discretion by the NRC, the exercise of such discretion requires that the problems be both licensee-identified and corrected in a timely way. In this case, timely action was not taken by the radiological controls personnel, and it was not until later that the elevated dose rates and unplanned radiation exposures were discovered. Therefore, on this basis, the exercise of enforcement discretion is not appropriate. We do note that you later took prompt and vigorous corrective actions (as recognized in our July 13 letter) following your confirmation of the unplanned, unmonitored radiation exposures of the workers.

I trust that the above discussion clearly describes the NRC position on licensee-identified violations and our reasons for not exercising enforcement discretion in this case. I regret any difficulties which my July 13 letter may have caused Maine Yankee Atomic Power Company.

Sincerely,



Malcolm R. Knapp
Director, Division of Radiation Safety and
Safeguards

cc:

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