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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

AUG 16 1983

Docket No. 50-271
EA 83-34

Vermont Yankee Nuclear Power Corporation
ATTN: Mr. Warren Murphy
Vice President and Manager
of Operations
RD 5 Box 169, Ferry Road
Brattleboro, Vermont 05301

Gentlemen:

This refers to the two letters, dated June 16 and 17, 1983, from Vermont Yankee Nuclear Power Corporation in response to the Notice of Violation and Proposed Imposition of Civil Penalty sent to you with our letter dated May 10, 1983. Our letter and Notice described a violation which occurred on March 21, 1983 and which was reviewed during an NRC special inspection conducted March 21-25, 1983 of activities at the Vermont Yankee Nuclear Power Station. This violation was also discussed during an enforcement conference held with you on April 1, 1983.

The information provided during the enforcement conference and in your responses to the Notice of Violation and Proposed Imposition of Civil Penalty has been carefully reviewed. As discussed in the May 10, 1983 NRC letter which proposed the civil penalty, the violation was significant and demonstrated the need for improved personnel performance at the Vermont Yankee Nuclear Power Station. As discussed in the Appendix, this violation was correctly categorized as a Severity Level III violation; such violations usually result in the imposition of a civil penalty.

However, the NRC Enforcement Policy (10 CFR Part 2, Appendix C, 47 FR 9987, March 9, 1982) provides that judgment and discretion should be exercised when determining the appropriate enforcement sanction. In recognition of the extensive corrective actions you have implemented, I have decided to exercise my discretion and mitigate completely the civil penalty proposed in the NRC Notice of Violation and Proposed Imposition of Civil Penalty dated May 10, 1983. I commend your organization for its forceful upper-level management actions in this matter and especially for its adherence to the principles of responsible and effective performance by operations personnel.

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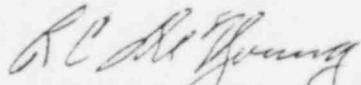
Vermont Yankee Nuclear
Power Corporation

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In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and the enclosure will be placed in the NRC's Public Document Room.

Sincerely,



Richard C. DeYoung, Director
Office of Inspection and Enforcement

Enclosure:
Appendix - Evaluation and Conclusions

AUG 16 1983

cc w/encl:

Mr. J. B. Sinclair, Licensing Engineer
 Mr. W. F. Conway, President and Chief Executive Officer
 Mr. J. P. Pelletier, Plant Manager
 Mr. L. H. Heider, Vice President
 Public Document Room (PDR)
 Local Public Document Room (LPDR)
 Nuclear Safety Information Center (NSIC)
 NRC Resident Inspector
 State of New Hampshire
 State of Vermont

bcc w/encl:

Region I Docket Room (with concurrences)
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 R. DeYoung, IE
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 J. Craig, IE
 J. Taylor, IE
 E. Jordan, IE
 C. Thayer, IE
 IE:ES
 EA File
 EDO Rdg File
 DCS

JPC
 IE:ES
 JCraig/bts
 8/15/83

by phone DH
 RI:RA
 TMurley
 8/15/83

NLD by
 ELD *None*
 JLieberman
 8/15/83

JPC
 O:ES:IE
 JAxelrad
 8/15/83

JPC
 D:IE
 RCDeYoung
 8/15/83

APPENDIX

EVALUATION AND CONCLUSIONS

For the violation and associated civil penalty identified in the NRC's May 10, 1983 Notice of Violation and Proposed Imposition of Civil Penalty, the violation is restated, the licensee's response is summarized, and the NRC's evaluation and conclusions regarding the licensee's response are presented. The licensee's response was provided in two letters, dated June 16 and 17, 1983, from Warren P. Murphy, Vice President and Manager of Operations, to the Director, Office of Inspection and Enforcement. The NRC staff evaluation and conclusions are based on the June 16 and 17, 1983 letters. The violation was also discussed during an enforcement conference held with the licensee on April 1, 1983.

Statement of Violation

Technical Specification limiting condition for operation (LCO) 3.7.C.1.d requires that secondary containment integrity be maintained whenever irradiated fuel is being moved in the reactor building. Section 1.U of the Technical Specifications defines secondary containment integrity and specifies as two of its conditions that (1) the standby gas treatment system (SBGT) is operable and (2) all reactor building (RB) automatic ventilation system isolation valves are operable or are secured in the isolated position.

Contrary to the above, between 8:17 a.m. and 10:23 a.m. on March 21, 1983, secondary containment integrity was not maintained, as required, in that during that period when 15 irradiated fuel rods and three irradiated fuel bundles were moved within the spent fuel pool in the reactor building, the automatic start capability of both trains of SBGT was inoperable and the automatic isolation feature of the reactor building ventilation system isolation valves was inoperable and these valves were not secured in the isolated position. This resulted from the failure to follow an administrative procedure as required by Technical Specification 6.5.A:

A.P. 0020, Revision 6, entitled Temporary Electrical Jumpers, Lifted Lead (LLJ) and Mechanical Bypasses, requires that, during modification of plant equipment involving installation of temporary electrical jumpers or mechanical bypasses, or lifting of electrical leads, this procedure must be followed to assure safe plant operation. Section II.A of the procedure requires that VYAPF 0020.01 (Temporary Electrical Lifted Lead/Installed Jumper (LLJ)) be completed; reviewed by the originating department supervisor for need, accuracy and pertinent comments; reviewed by the operations department for impact on plant conditions and Technical Specification compliance; and reviewed by the Shift Supervisor and the implementing department prior to performance by two qualified individuals.

However, on March 21, 1983 at 8:17 a.m., a temporary modification was performed in that slide links TAC-3 and TP-1 were opened at control room panel (CRP) 9-26 by a qualified Instrument and Control (I&C) technician and witnessed by the on-duty Senior Control Room Operator (SCRO) without preparation and completion of an approved LLJ request. The activity had

not been reviewed by the originating department supervisor, the operations department, nor the shift supervisor. The opening of the slide links rendered the auto-start capability of SBTG inoperable and also rendered the automatic isolation feature of the ventilation system isolation valves inoperable.

This is a Severity Level III Violation (Supplement I)
Civil Penalty - \$40,000

Summary of Licensee's Response

The licensee admits that the violation occurred as described in the Notice. In seeking mitigation of the proposed penalty, the licensee contends that consideration should be given to the length of time secondary containment was compromised before discovery and the quantity of fuel actually moved. The licensee indicates that any postulated problems resulting from the specific moves are far less significant than those analyzed in the FSAR as a design-basis accident.

The licensee further contends that consideration should be given to the promptness and extent of the corrective actions taken by licensee management. The licensee delineated both the immediate actions and the short-term corrective actions taken, and the promptness of these actions. Immediate action within minutes of discovery included termination of all fuel moves and immediate restoration of the automatic logic for SBTG and RB ventilation. Additional actions included (1) investigation of the incident to assure it was an isolated occurrence; (2) meetings with all affected individuals and, subsequently, with the entire plant staff; (3) an independent review of design change work packages by the quality assurance organization with emphasis on how procedural requirements were being satisfied; (4) immediate review of pertinent plant procedures which resulted in minor clarifications to the procedures within seven days; and (5) disciplinary action against the responsible senior licensed operators.

The licensee maintains that its corrective actions were timely, demonstrated management initiative, and were comprehensive in that the actions focused both narrowly to the specific violation, and broadly to the general area of concern. The licensee further maintains that these actions justify a reduction in the amount of the civil penalty.

NRC Evaluation and Conclusions

This violation did occur as originally stated. The violation was appropriately classified at Severity Level III.

The staff agrees that the licensee's corrective actions demonstrate a high degree of management initiative and that these actions were comprehensive. The corrective actions addressed the general area of concern, and were not narrowly focused upon the specific violation.

The NRC Enforcement Policy provides that a civil penalty may be mitigated as much as 50% for unusually prompt and extensive corrective action. The Policy also recognizes that regulation of nuclear activities in some cases does not lend itself to a mechanistic treatment and, therefore, provides that judgment and discretion should be exercised in determining the appropriate enforcement sanction, including the decision to impose a civil penalty. After consideration of the general principles of the Policy and the extensive corrective actions initiated at the Vermont Yankee Nuclear Power Station, the staff concludes that in this case the civil penalty proposed in the NRC letter of May 10, 1983 should be mitigated completely.