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**NRC STAFF PROPOSES TO FINE NEW YORK POWER AUTHORITY \$137,500 FOR
ALLEGED VIOLATIONS AT ITS FITZPATRICK NUCLEAR POWER PLANT**

The Nuclear Regulatory Commission staff has cited the New York Power Authority (NYPA) for alleged violations related to the inadvertent and unmonitored release of radioactive material from the James A. FitzPatrick Nuclear Power Plant, near Scriba, NY, on March 18 of this year. The staff is proposing a \$137,500 fine.

On March 18, radioactive material was released from FitzPatrick's liquid waste concentrator to the atmosphere through an unmonitored vent intended for releasing normally clean steam from the plant's auxiliary boiler system. The ground next to the boiler and along both sides of the turbine, reactor and control buildings, and adjacent building walls and roofs, were contaminated. Rain washed some of the contamination into the storm drain systems, which carried it offsite to Lake Ontario. Technical Specifications require that the concentration of radioactive materials released from the plant not exceed the limits set in NRC regulations. But, the NRC staff alleges that the levels released to Lake Ontario were as high as 65 times the maximum permissible concentration.

The NRC staff alleges two violations of regulatory requirements associated with this incident, one of which was the release. Secondly, NYPA was required to establish procedures for operation of the facility and systems and to prevent an inadvertent release of radioactive material to the environment. When a procedure for an activity cannot be followed, the procedure must be stopped and the process changed. At the time of the release, the process of draining or partial draining of the radwaste concentrator was being performed, despite the lack of a written procedure describing this operation.

In addition to the violations, the NRC expressed concern that although the licensee's architect engineer determined in April, 1975, that a potential unmonitored release pathway existed from the auxiliary boiler vents to the atmosphere, and a 1980 NRC bulletin identified a similar situation at another facility, the condition at FitzPatrick was not corrected. Furthermore, licensee procedure reviews in 1987 and 1990 identified that the radwaste evolutions could not be performed as specified in the procedures, yet, the procedures were not updated.

In a letter to NYPA, Thomas T. Martin, Regional Administrator, NRC Region 1, said "The NRC considers this event serious since it resulted in the release of radioactive materials to unrestricted areas. Although the radiological significance was limited by the fact that the release existed for only a short period and actions in response to the event were prompt and effective in mitigating the consequences of the release, the NRC is concerned that the event occurred as the result of inadequate control of activities at the facility."

Although the civil penalty for these violations is normally \$50,000. the fine was increased in light of the licensee's poor past performance and prior notice of various problems with the radwaste system.

NYPA now has 30 days to submit a written statement to the NRC admitting or denying the alleged violations, explaining the reasons for them, if admitted, stating the corrective actions which have been or will be taken, and the date when full compliance with NRC regulations was or will be achieved. NYPA also has 30 days to pay the proposed fine or to request that all or part of it be withdrawn.

The State of New York has been informed of this proposed enforcement action.

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