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NRC PROPOSES TO FINE NEW YORK POWER AUTHORITY \$500,000 FOR  
ALLEGED VIOLATIONS AT ITS J.A. FITZPATRICK PLANT AT OSWEGO, NY

The Nuclear Regulatory Commission staff has cited the New York Power Authority for five safety violations at the James A. FitzPatrick plant, near Oswego, NY. The staff proposes a \$500,000 fine.

The violations were found by NRC inspectors during four separate inspections between December 2, 1991, and May 1, 1992.

The first alleged violation involves the installation of electrical relays in the Reactor Protection System (RPS) without first properly evaluating the new relays to ensure they were suitable for their intended purpose, and without appropriately testing the equipment after it was installed, as NRC regulations require. A failure of these relays could result in a failure of the RPS to automatically shut down the reactor, if such an automatic shut-down were needed.

The next alleged violation includes numerous examples of failing to identify, correct and determine the root causes of conditions considered adverse to quality (such as equipment failures and operational deficiencies). That failure led to the dependability of various plant systems being degraded over extended periods of time. For example, a main steam system leak was not corrected until the issue was raised by NRC inspectors in October, 1991, even though the system had been losing thousands of gallons of water a day since mid-August, 1991.

Another two alleged violations were found by an NRC fire protection team inspection at the facility in March, 1992. The NRC requires plants to develop and implement an adequate fire protection and prevention program. The inspection team found the fire brigade training program, procedures for properly using, storing and disposing of combustible materials and ignition sources, and plans for fighting fires had not been adequately developed and implemented at the FitzPatrick plant. Also, NYPA failed to take steps to protect from fire, heat and smoke damage, the equipment that is essential to shutting down the reactor.

Finally, NRC regulations require that all information provided to the Agency be complete and accurate. The final alleged violation cites several examples of NYPA submitting incomplete or inaccurate information to the NRC, including three Licensee Event Reports, as well as documents used to support a proposed change to the plant's technical specifications.

In a letter to NYPA informing the Agency of this proposed enforcement action, Thomas T. Martin, Regional Administrator, NRC Region I, said that the violations, considered collectively, indicate a significant breakdown in management and administrative control of licensed activities at the FitzPatrick facility. He said maintaining the qualification of safety equipment, performing appropriate testing after replacement of equipment, identifying and correcting problems when they exist, developing and implementing appropriate fire protection programs, and providing complete and accurate information to the NRC, "are fundamental elements of any program for operating and maintaining a nuclear power plant in a safe manner."

The normal fine for each of the current individual violations is \$50,000. The NRC staff has decided to fine the licensee \$100,000 for each violation because the NRC identified most of the violations, some of which involved multiple examples, poor past performance, prior notice and duration.

The Power Authority has 30 days either to pay the proposed fine or to request in writing that part or all of it be withdrawn, giving its reasons for any such request. The company also has 30 days to admit or deny the alleged violations, to give reasons for them if admitted, to describe the actions it has taken or plans to take to prevent their happening in the future, and to give the date by which it expects to be in full compliance with NRC requirements.

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

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