



# NRC NEWS

U.S. NUCLEAR REGULATORY COMMISSION

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## **NRC STATEMENT ON U.S. DEPARTMENT OF JUSTICE ACTION ANNOUNCING PLEA AGREEMENT WITH FORMER RADIATION PROTECTION TECHNICIAN AT THE JAMES A. FITZPATRICK NUCLEAR POWER PLANT**

The following is a statement from NRC Region I Administrator Bill Dean:

“The United States Attorney’s Office in Syracuse, New York, today announced an action based on a former radiation protection technician at the James A. FitzPatrick nuclear power plant deliberately failing to assure that appropriate respirator fit testing was performed. The former technician at the plant in Scriba, New York, also deliberately falsified documentation which stated the testing had been done. The NRC’s Office of Investigations obtained the evidence that led to those conclusions during its investigations of the issues.

“The NRC’s oversight of FitzPatrick and other U.S. nuclear power plants is accomplished via its Reactor Oversight Process, which includes inspections, frequent monitoring of plant operations and periodic interactions with site management. While each site receives ongoing oversight from both NRC Resident Inspectors based there and region-based inspectors, the NRC cannot provide continuous oversight of all plant activities. As such, it is incumbent upon plant personnel – under the force of law – to adhere to all regulations when carrying out activities, including the implementation of procedures and maintaining complete and accurate records.

“When the NRC became aware of possible performance issues in the FitzPatrick Radiation Protection Department in 2009, it undertook an immediate assessment of the potential safety concerns to determine if violations of NRC requirements had occurred. At the same time, the NRC’s Office of Investigations launched an investigation to determine if any wrongdoing on the part of plant personnel contributed to any violations. The results of the OI investigation were provided to the U.S. Attorney’s Office in Syracuse.

“Although the Department of Justice (DOJ) has obtained a plea agreement with the individual for criminal violations, the NRC may also take civil actions against the plant’s owner, Entergy, and/or the individual for certain violations of NRC requirements. With the DOJ process now complete, the NRC is evaluating the investigation results to assess whether it should pursue civil enforcement. Today, in correspondence sent to the plant’s owner, Entergy, the NRC stated

it was considering escalated enforcement action for the apparent violations of agency requirements. The NRC is offering the company the opportunity to attend a Predecisional Enforcement Conference or participate in an Alternate Dispute Resolution (ADR) mediation session to discuss the apparent violations. A decision on any NRC enforcement action would be made later by agency senior management and communicated to the public.

“The effective cooperation between the NRC and the Department of Justice in this case helped both agencies to accomplish their respective missions. The NRC was pleased to be able to provide support to the U.S. Attorney’s Office in its pursuit of prosecutorial action against the former FitzPatrick nuclear power plant employee and continue to fulfill our mission of protecting public health and safety and the environment.”

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