

NEWS RELEASE  
July 22, 2008

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## **Harris, Oconee and Most U.S. Nuclear Plants Plan to Violate Fire Safety Rules for Many Years to Come**

*New regulatory scheme is fraught with delay, defiance of Congress and happy talk*

Statement by Jim Warren, NC WARN Executive Director:

DURHAM, NC – A pair of meetings at the U.S. Nuclear Regulatory Commission last Thursday revealed a new public relations strategy for persuading Congress and the public that a 16-year regulatory failure has been solved. But the NRC plans to allow more than two-thirds of the nation's nuclear power plants to remain in noncompliance with key safety regulations indefinitely instead of forcing expensive corrections. NC WARN detailed the latest problems in a letter to Rep. David Price yesterday, and urged him to demand immediate enforcement of existing fire regulations.\*

Following a pair of highly critical reports by the Government Accountability Office (called for by Rep. Price) and the NRC's own Inspector General (OIG), the NRC's four commissioners were eager to hear from staff and industry about plans to bring scores of plants into compliance with regulations involving fire, the top risk factor for nuclear meltdown. Thursday's meetings began with a "kick-off" for formal acceptance of a new "805" regulatory plan; the timing was surreal since Progress Energy and Duke Energy are less than halfway through what have become six-year-plus pilot efforts to transition their Harris and Oconee plants, respectively, to the 805 scheme.

The ceremony was replete with upbeat talking points and photo-driven handshakes between NRC and officials from Progress and Duke – whose plants have been leading fire safety lawbreakers for years. As Paul Gunter of Beyond Nuclear said later, the only thing lacking was a burnt offering

Throughout the day's two meetings, NRC staff and Commissioners, the utilities and their trade groups repeated the spin, expressing relief that 805 was set to bring "closure," after many years, to the agency's increasingly controversial failure to require compliance with fire regulations. But the hype collided squarely with efforts by the industry officials to serve notice that complying with the new, less expensive regulatory regime will take much longer than hoped for when the pilot programs began three years ago. Still, the positive talking points continued.

I had been invited to brief the Commissioners as a token "stakeholder." Except for my participation, the GAO and OIG reports apparently would not have been mentioned. The new, "risk-informed" 805 regulatory scheme is voluntary, but plants choosing it would escape longstanding regulations requiring full-blown physical protections, such as fire barriers, for miles of electric cables necessary to safely shut down and cool each nuclear reactor.

The GAO report warned of major, overlapping complexities with the 805 regulations and "risk-informed" methodology. Additional complications discussed at the Thursday meetings point to a minimum 10 to 20 years needed for industry-wide compliance. Among the revelations:

- An NRC official confirmed that fire-related events represent approximately half the overall risk of meltdown at U.S. nuclear power plants.

- Unresolved challenges include a serious lack of personnel trained in the probability risk assessment techniques required by the 805 regulations.
- Risk assessment cannot account for deliberate fires including those involving thousands of gallons of jet fuel.
- Most plant owners don't know where hundreds of vital cables are located within their plants.
- Even if 805 compliance is achieved, complex recalculations, inspections and reviews would be required each time new equipment is introduced at a plant.
- Up to 77 of the nation's 104 reactors are under consideration for the transition to 805. The NRC plans to allow them to remain indefinitely in noncompliance with existing fire regulations – until they might someday gain compliance with 805.
- The NRC will continue NOT inspecting fire areas that are in noncompliance.
- NRC staff admits it has no authority to prevent Harris, Oconee or other plants from modifying compliance schedules as time goes on.
- Instead of resolving the contentious, years-long use of “interim” compensatory measures, Progress and Duke expect additional compensatory measures will be needed for 805 compliance.
- Duke Energy said complying with existing rules would require Duke to “gut and re-cable” the Oconee station. All the company's nuclear plants are in violation of fire regulations.

The NRC-industry 805 scheme is tailor-made for years of additional obfuscation, exemptions from compliance, “compensatory measures” and a terribly inefficient use of NRC resources – taxpayer money. Plant owners have obviously calculated that this approach is cheaper than making the physical corrections called for by current rules.

The House Appropriations Committee recently signaled the NRC that it expects “full compliance” with fire protection regulations on an “expedited basis.” It will be interesting to see if Congress will finally rein in the industry-promoting NRC and nuclear plant lawbreakers.

NRC Commissioner Gregory Jaczko expressed frustration with the lack of progress, and suggested the need for enforcing the existing fire regulations until 805 transitions could be completed. In our letter, NC WARN urged Rep. Price, at a minimum, to support this position and require its immediate implementation.

However, after more than a decade of broken promises and misleading statements from Progress Energy, other licensees and the NRC, a better use of taxpayer resources and more timely and certain nuclear plant fire protection would be achieved if Congress requires the NRC to rescind the 805 program and immediately begin enforcing the existing fire safety regulations, including the assessment of daily financial penalties until plants are in full compliance. Why should the U.S. public expect any less?

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\* See a more detailed account in NC WARN's letter to Rep. David Price at the top of [www.ncwarn.org](http://www.ncwarn.org)

*NC WARN is a grassroots non-profit using science and activism to tackle climate change and reduce hazards to public health and the environment from nuclear power and other polluting electricity production, and working for a transition to safe, economical energy in North Carolina.*