

NEWS RELEASE  
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## **Feds Duck Nagging Problems with #1 Safety Rule at U.S. Nuclear Plants**

***Public officials, watchdogs seek investigation after NRC ignores fire experts' warnings about risks at operating plants; modeling failure impacts new reactors too***

DURHAM, NC – Officials from five local governments near the Shearon Harris nuclear plant, and three watchdog groups, asked for a federal investigation into possible wrongdoing by the U.S. Nuclear Regulatory Commission involving the top safety issue at the nation's reactors. They say the NRC is ignoring its own safety regulations – and criticisms by numerous fire science experts – while attempting to bring scores of nuclear plants into compliance after over two decades of regulatory failure.

Beyond Nuclear, NC WARN and The Union of Concerned Scientists today filed a legal motion with the NRC's Office of Inspector General. They urged the OIG to issue an expedited "show cause" order directing NRC Chairman Gregory Jaczko to explain why his agency has allowed pilot programs by Progress Energy and Duke Energy to use risk calculations that failed, under required testing, to predict the ignition and spread of electrical fires. The NRC is scheduled to grant license amendments to the Harris and Oconee nuclear plants very soon, which would bless them as finally achieving compliance.

The risk calculations, or fire "modeling," are the scientific basis for a new regulatory plan intended to end years of controversy over the NRC's lack of enforcement. The watchdog groups today sent the OIG extensive evidence that two international fire science panels, an industry trade association, a national testing lab and the NRC itself have found serious limitations that essentially render the models unreliable for safety decision-making.

***"It looks more like smoke and mirrors than real fire safety,"*** said David Lochbaum, director of the nuclear safety project at the Union of Concerned Scientists, during a press teleconference today. He said the NRC seems so focused on scheduling that they're willing to ignore key safety issues. ***"The NRC received very critical comments from independent fire scientists, but rather than fixing those serious problems, the agency essentially ignored them in order to approve the pilot projects and move ahead with new plants. The NRC is letting the U.S. public down."***

Fire is ranked by the NRC as the leading safety factor – 50 percent of overall risk – for a U.S. reactor meltdown. Current regulations were developed in 1980 following a near-disaster caused by fire at the Browns Ferry plant in Alabama. But most plant owners have never met those regulations, so the NRC recently allowed them to attempt compliance with the fire modeling scheme.

The watchdogs say the NRC is ignoring the modeling problems apparently in order to provide the illusion that fire safety problems are resolved. The new "risk-informed" regulatory plan is optional for all existing plants and for new ones that might be built. Electric cables are of particular concern because they, themselves, are leading fire hazards, and because they are essential so operators can

shut down and cool the reactor following an accident or sabotage. The groups also say the new risk-based fire strategy is fundamentally flawed because it explicitly ignores security threats.

***“No one can accurately predict the level of fire risk derived from an attack on a nuclear power plant,”*** said Paul Gunter, Director of Reactor Oversight Project for the Takoma Park, Maryland based anti-nuclear group, Beyond Nuclear. ***“There is no reliable way to evaluate fire risks from sabotage because of the lack of data, the limited range of scenarios considered, and large uncertainties about human performance,”*** he said. ***“This is why we continue to call for stringent enforcement of physical fire protection features as included in the long-standing regulations.”***

Gunter and NC WARN director Jim Warren met privately with NRC Chairman Jaczko in March. But the agency head dismissed the firmly worded concerns of the fire science experts. He also would not explain why NRC has directed the pilot plants to use fire models that have not been “verified and validated” as required by regulations. Nor would he explain why the agency intends to grant license amendments even though the NRC has begun a three-year retesting of fire models that failed in earlier laboratory experiments.

Mayor Randy Voller of Pittsboro, a Harris plant neighbor, explained why he wants the OIG investigation: ***“Local officials must speak out for public protection by looking forward – instead of reacting after disasters. The Gulf oil tragedy shows how catastrophe can strike even after assurances that industrial operations are perfectly safe – and it’s showing the intensity of consequences when such assurances prove wrong.”***

The mayor, along with representatives from governing bodies in Chatham County, Orange County and the towns of Chapel Hill and Carrboro, sent a letter requesting the OIG investigation. They also have asked U.S. Rep. David Price to urge NRC Chairman Jaczko to resolve the controversy before issuing any license amendments.

Price, whose district includes the Harris plant, was instrumental in gaining earlier investigations of the fire protection saga by the OIG and the U.S. Government Accountability Office. In 2008 both agencies confirmed the complaints by these same nuclear watchdogs, reporting extensive shortcomings with NRC enforcement stretching back two decades. The OIG and Congress have authority to seek prosecution if any individual causes the neglect of regulations designed to protect public safety. The watchdog groups also plan to ask an NRC science panel, the Advisory Committee on Reactor Safeguards, to directly investigate the fire modeling issue.

Progress Energy reports having spent over \$10 million on upgrades and studies for the new regulatory program. The groups said the Raleigh-based power giant delayed compliance with the existing regulations year after year because that would have cost much more.

Jim Warren, director of NC WARN, pointed to President Obama’s recent admonishment that coal mine safety regulations *“are riddled with loopholes.”* Warren called on Obama to apply the same standard to the NRC: ***“The nuclear industry has been gaming the NRC for decades because of persistent pressure to cut costs. If the Obama NRC allows this travesty to continue, the U.S. could see more catastrophes that should have been prevented.”***

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See the investigation request and other documents: [www.ncwarn.org/?p=2241](http://www.ncwarn.org/?p=2241)